

**To: Leader and Members of the Executive Board  
(Councillors M Stanley, Hayfield, May, Moore, Morson, Phillips, Simpson, Smith and Sweet)**

**For the information of other Members of the Council**

**For general enquiries please contact David Harris, Democratic Services Manager, on 01827 719222 or via e-mail - [davidharris@northwarks.gov.uk](mailto:davidharris@northwarks.gov.uk).**

**For enquiries about specific reports please contact the officer named in the reports.**

**The agenda and reports are available in large print and electronic accessible formats if requested.**

## **EXECUTIVE BOARD AGENDA**

**28 NOVEMBER 2011**

The Executive Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 28 November 2011 at 6.30pm.

### **AGENDA**

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Declarations of Personal or Prejudicial Interests**

(Any personal interests arising from the membership of Warwickshire County Council of Councillors Hayfield, May, and Sweet and membership of the various Town/Parish Councils of Councillors Moore

(Baddesley Ensor), Morson (Dordon), Phillips (Kingsbury) and M Stanley (Polesworth) are deemed to be declared at this meeting).

- 4 **Minutes of the Meeting of the Board held on 13 September 2011** - copy herewith to be agreed as a correct record and signed by the Chairman.
- 5 **Requests for discussion and approval of remaining En Bloc items.**

## **PART A – ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)**

- 6 **Constitutional Amendments** - Report of the Assistant Chief Executive and Solicitor to the Council

### **Summary**

This report outlines a number of amendments to the Council's constitution for the Board's consideration.

The Contact Officer for this report is Steve Maxey (719438)

- 7 **Calendar of Meetings 2012/13** - Report of the Chief Executive

### **Summary**

The purpose of this report is to approve a timetable of meetings for 2012/13.

The Contact Officer for this report is David Harris (719222)

- 8 **Supplementary Estimate Request from the Planning and Development Board** - Report of the Assistant Director (Finance and Human Resources)

### **Summary**

This report requests a supplementary estimate to cover the shortfall in planning fee income and the additional costs of the Building Control Partnership.

The Contact Officer for this report is Nigel Lane (719371).

- 9 **Reduction of Council Tax Discounts for Second Homes and Long Term Empty Dwellings** - Report of the Assistant Chief Executive (Community Services)

**Summary**

The report asks the Board to consider using its discretion to reduce Council Tax discounts awarded in respect of “second homes” and “long term empty” properties.

The Contact Officer for this report is Bob Trahern (719378).

- 10 **Nominated Governor – George Eliot Hospital** – Report of the Chief Executive

**Summary**

The purpose this report is to nominate a replacement for former Councillor Wendy Smitten on the Board of Governors for the George Eliot Hospital.

The Contact Officer for this report is David Harris (719222)

**PART B – ITEMS FOR EN BLOC DECISIONS  
(YELLOW PAPERS)**

- 11 **Budgetary Control Report 2011/12 Period Ended 31 October 2011-**  
Report of the Assistant Director (Finance and Human Resources)

**Summary**

The report covers revenue expenditure and income for the period from 1 April 2011 to 31 October 2011. The 2011/2012 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

The Contact Officer for this report is Nigel Lane (719371)

- 12 **Whistleblowing Policy** - Report of the Assistant Chief Executive and Solicitor to the Council

**Summary**

This report asks Members to agree changes to the Council's Confidential Reporting Policy (also known as the Whistleblowing Policy).

The Contact Officer for this report is Steve Maxey (719438)

- 13 **Employee Code of Conduct** - Report of the Assistant Chief Executive and Solicitor to the Council

**Summary**

This report asks Members to agree changes to the Council's Employee Code of Conduct.

The Contact Officer for this report is Steve Maxey (719438)

- 14 **Equality Act 2010 (Specific Duties) Regulations 2011** - Report of the Assistant Chief Executive and Solicitor to the Council

**Summary**

This report provides details of the requirements of the above Regulations and suggests an approach for discharging the duties in the Regulations.

The Contact Officer for this report is Robert Beggs (719238)

- 15 **The Bribery Act 2010** - Report of the Assistant Chief Executive and Solicitor to the Council and the Audit Manager

**Summary**

This report summarises the key issues arising from the Bribery Act 2010.

The Contact Officer for this report is Barbara Haswell (719416)

- 16 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - September 2011** - Report of the Chief Executive and the Deputy Chief Executive

**Summary**

This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Executive Board for April to September 2011.

The Contact Officer for this report is Robert Beggs (719238).

- 17 **Minutes of the Meeting of the Safer Communities Sub-Committee held on 17 November 2011** – (copies to be circulated) to be received and noted.

**PART C - EXEMPT INFORMATION  
(GOLD PAPERS)**

18 **Exclusion of the Public and Press**

**Recommendation:**

**That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

19 **Minutes of the meetings of the Special Sub-Group held on 24 October and 7 November 2011** (copies herewith) and **23 November 2011** (to be circulated) to be received and noted.

20 **Payment Management Replacement System** – Report of the Assistant Director (Corporate Services)

The Contact Officer for this report is Linda Bird (719327).

JERRY HUTCHINSON  
Chief Executive

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE EXECUTIVE BOARD

13 September 2011

Present: Councillor M Stanley in the Chair

Councillors Davis, Fox, Hayfield, Lewis, May, Moore, Morson, B Moss, Phillips, Simpson, Smith, Sweet, Watkins and Winter.

Councillor Pickard was also in attendance.

#### 23 **Declarations of Personal or Prejudicial Interest.**

Any personal interests arising from the membership of Warwickshire County Council of Councillors Fox, Hayfield, May, B Moss and Sweet and membership of the various Town/Parish Councils of Councillors Davis (Atherstone), Fox (Shustoke), Lewis (Kingsbury), Moore (Baddesley Ensor), B Moss (Kingsbury), Morson (Dordon), Phillips (Kingsbury), M Stanley (Polesworth) and Winter (Dordon) were deemed to be declared at this meeting.

#### 24 **Minutes of the meeting of the Board held on 27 June 2011.**

The minutes of the meeting of the Board held on 27 June 2011, copies having been circulated, were approved as a correct record and signed by the Chairman.

#### 25 **Financial Statements 2010/11**

The Deputy Chief Executive submitted the Annual Financial Statements for 2010/11 for approval.

##### **Resolved:**

**That the Financial Statements 2010/2011 be approved subject to audit.**

#### 26 **External Auditors' Report**

The Deputy Chief Executive submitted a report informing Members of changes to the 2010/11 Statement of Accounts following the audit and the External Auditors' report to those charged with governance.

Alison Breedon and Leon Mayfield from PricewaterhouseCoopers were in attendance at the meeting and presented their report on which Members asked a number of questions.

**Resolved:**

**That the contents of the External Auditors' report be noted.**

**27 Council Vision, Priorities and Corporate Plan Key Actions – Implications Arising from the 2011 Elections**

The Chief Executive reported further on potential changes to the Council's Vision, Priorities and Corporate Plan Key Actions following the elections in May 2011. The Board was asked to agree a suggested course of action.

**Recommended:**

- a That the Council's Vision and Priorities be confirmed as set out in Appendix 1 to the report of the Chief Executive; and**
- b That Appendix 2 be adopted as the format for the Council's Priorities and Corporate Plan Key Actions and that further reports be brought on any proposals for the areas in italics in Appendix 2 which require additional budget provision to take forward in the current financial year.**

**28 Corporate Plan 2012/13 – Key Corporate issues**

The Chief Executive reported on the key corporate issues facing the Council over the next 18 months and sought agreement to addressing these issues during the formulation of the 2012/13 Budget and Corporate Plan.

**Recommended:**

**That the issues raised in the report of the Chief Executive are the main areas which should be considered for inclusion in the 2012/13 Corporate Plan.**

**29 Financial Strategy 2012–16**

The Deputy Chief Executive reported on the Authority's Financial Strategy, projected forward the Authority's General Fund budgets to 2015/16, and suggested a detailed budget approach for the 2012/13 General Fund Budget.

**Recommended:**

- a That the Financial Strategy shown as Appendix A to the report of the Deputy Chief Executive be approved;**

- b That the General Fund budget projections for 2012/13 to 2015/16 be noted;**
- c That the budget approach, set out in paragraph 12.1 to 12.2 of the report, be adopted; and**
- d That growth bids be assessed according to the criteria set out in 9.2 of the report.**

**30 Earmarked Reserves 2011/12**

As requested at the last meeting of the Council the Deputy Chief Executive reported on the balances in the reserves at 31 March 2011. The Board was asked to agree a suggested course of action.

**Recommended:**

- a That earmarked reserves of £111,985.81 be moved into the General Fund balance, £100,000 into a one-off initiative reserve and £5,765.50 into the Housing Revenue Account balance; and**
- b That the remaining reserves held at 31 March 2011 (detailed in Appendix A) and the planned use of reserves in 2011/12 be approved.**

**31 Council Office Accommodation**

Members received and considered the public report on the Council Office Accommodation project.

At this point in the meeting it was proposed by Councillor M Stanley, seconded by Councillor Winter and

**Resolved:**

**That the two reports on the Council Office Accommodation project be considered together and that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of this item, on the grounds it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

The Board was informed further on the proposals for the work to the Council House and Members were asked to agree a suggested course of action.

**Recommended:**



- a That the Council agrees to pursue Option 2 (Full Mechanical and Electrical Refurbishment) as set out in the body of the report of Management Team at section 5.2 as its preferred option for the refurbishment of the Council House;
- b That a specialist contractor to project manage the design, tendering and delivery of the preferred option is appointed as soon as possible;
- c That a budget as set out in the report be established to fund the appointment and initial fees of that contractor;
- d That once the refurbishments are completed, all staff currently located at Old Bank House be moved to the main Council House building to free up Old Bank House for disposal or rental to a third party;
- e That the agreed preferred mechanism for progress on the project being reported back to Members on an ongoing basis be meetings of the Special Sub-Group;
- f That the most appropriate methods of keeping both staff and the public up to date with progress on this project in the future should include North Talk, the staff Insider newsletter and the Council's web-site; and
- g That recommendations (a) to (f) above be made available to the public.

### 32 **Review of Parliamentary Constituency Boundaries in England**

The Chief Executive reported on the proposals published by the Boundary Commission for England in respect of its initial proposals for the review of Parliamentary Constituency Boundaries in England. Members were asked to agree a suggested course of action.

#### **Recommended:**

**That matter be referred to the Special Sub-Group to agree the Council's response to the initial proposals from the Boundary Commission for England.**

### 33 **Changes to Boards and the Special Sub-Group**

The Assistant Chief Executive and Solicitor to the Council sought approval to changes in the Constitution and terms of reference of the Policy Boards and the Special Sub-Group and the creation of

Sub-Committees to deal with Housing and Safer Communities matters. Revised recommendations were circulated at the meeting.

**Recommended:**

- a That the number of Members on the Executive, Resources and Community and Environment Boards be reduced to nine;**
- b That substitutes for all Boards be allowed in accordance with the scheme set out in revised Standing Order No 23 in the Appendices to the report of the Assistant Chief Executive and Solicitor to the Council;**
- c That responsibility for Human Resource matters be given to the Special Sub-Group;**
- d That Appeals Panels consist of either the Chairman of the Special Sub-Group or the Chairman of the Resources Board together with three other Members from either the Special Sub-Group or the Resources Board and that all the Council's policies that refer to Appeals Panels or similar be amended accordingly;**
- e That a Sub-Committee consisting of 5 Members be appointed with delegated powers over Housing matters as set out in the attached Appendix;**
- f That a Sub-Committee consisting of 5 Members of the Executive Board be appointed with delegated powers over Safer Communities issues;**
- g That the changes to the Constitution detailed in the Appendices to the report be approved;**
- h That the above changes be reviewed by a cross party task and finish group with a view to evaluating whether other forms of decision making structures would be more effective; and**
- i That a replacement for Cllr A Stanley be appointed as Portfolio Holder for Community Life.**

**34 Executive and Planning and Development Board Terms of Reference**

The Assistant Chief Executive and Solicitor to the Council sought approval to changes in the terms of reference of the Executive and Planning and Development Boards.

**Recommended:**

**That changes to the Constitution detailed in the Appendices to the report of the Assistant Chief Executive and Solicitor to the Council be approved.**

**35 Public Speaking at Planning and Development Board Meetings**

The Assistant Chief Executive and Solicitor to the Council sought approval for a scheme to allow the public to speak on planning applications considered by the Planning and Development Board.

**Recommended:**

- a That the scheme for public speaking at the Planning and Development Board detailed in the Appendix to the report of the Assistant Chief Executive and Solicitor to the Council be adopted; and**
- b That the scheme be reviewed in twelve months time.**

**36 Draft Core Strategy**

The Assistant Chief Executive and Solicitor to the Council reported on the draft Core Strategy and provided information on the accompanying documents for public consultation.

**Recommended:**

- a That the Draft Core Strategy be approved for consultation;**
- b That representations be reported to the LDF Sub-Committee for their consideration;**
- c That the LDF Sub-Committee make recommendations to this Board on changes to the Draft Core Strategy, if required; and**
- d That the Draft Core Strategy be considered as a material planning consideration.**

**37 A5 Strategy 2011 - 2026**

The Assistant Chief Executive and Solicitor to the Council reported on the development of and consultation on a Strategy for the A5 Transport Corridor. The Board was asked to agree a suggested course of action.

**Recommended:**

- a That the comments from the Board on the draft strategy be fed into the consultation process; and**
- b That the date of the launch of the Draft Strategy for consultation and event on Friday the 30 September 2011 be noted.**

### **38 Warwickshire Compact 2011**

The Assistant Director (Leisure and Community Development) reported on the production of a refreshed Warwickshire Compact and sought authority for the Leader of the Council to sign and endorse the Compact on behalf of the Borough Council.

#### **Recommended:**

- a That the principles and commitments within the revised Warwickshire Compact 2011, attached at Appendix A to the report of the Assistant Director (Leisure and Community Development), be endorsed and that the Leader of the Council be authorised to sign the Compact on behalf of the Council; and**
- b That due account be taken of the Compact's principles and commitments in the preparation and implementation of Council policy and all associated strategic plans and procedures, where these may have an impact on relations with voluntary and community sector organisations.**

### **39 Business Rates Retention**

The Deputy Chief Executive reported that the Department of Communities and Local Government (DCLG) had issued a consultation paper together with 8 further technical papers regarding proposals for business rates retention by local authorities. He sought approval, in consultation with the Chairman of the Board and the Leader of the Conservative Group to agree a response to the consultation.

#### **Recommended:**

- a The report be noted; and**
- b That authority be given to the Deputy Chief Executive, in consultation with Chairman of Board and Leader of Conservative Group to formulate the Council's response.**

40 **Budgetary Control Report 2011/12 Period Ending 31 August 2011**

The Assistant Director (Finance and Human Resources) reported on the revenue expenditure and income for the period from 1 April 2011 to 31 August 2011. The 2011/2012 budget and the actual position for the period, compared with the estimate at that date, was given, together with an estimate of the out-turn position for services reporting to this Board.

**Resolved:**

**That the report be noted.**

41 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets – April 2011 to June 2011**

The Chief Executive informed Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Executive Board for April to June 2011.

**Resolved:**

**That the report be noted.**

42 **The Open Public Services White Paper**

The Chief Executive informed Members of the Open Public Services White Paper, the consultation exercise currently taking place and sought authority for the Chief Executive to agree a response following consultation with leading Members.

**Recommended:**

**That the contents of the Open Public Services White Paper be noted and the Chief Executive be authorised to respond to the consultation and to the approach from the County Council following consultation with the Leader of the Council and the Leader of the Opposition.**

43 **Minutes of the meetings of the Local Development Framework Sub-Committee held on 6 July 2011 and 31 August 2011**

The minutes of the meetings of the Local Development Framework Sub-Committee held on 6 July 2011 and 31 August 2011 were received and noted.

44 **Draft National Planning Policy Framework**

The Assistant Chief Executive and Solicitor to the Council sought views on the Draft National Planning Policy Guidance which brought together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document.

**Recommended:**

- a That the proposed changes be noted; and**
- b That the observations included in the report, together with any others received from Members, be sent in response to the consultation.**

**45 Draft Plan Making Regulations**

The Assistant Chief Executive and Solicitor to the Council sought views on the Government's proposed new regulations governing the process by which local councils prepare their development plan and associated documents.

**Recommended:**

- a That the changes being suggested are noted; and**
- b That the comments in the report of the Assistant Chief Executive and Solicitor to the Council be forwarded as the Council's response to the consultation.**

**46 Exclusion of the Public and Press**

**Resolved:**

**That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

**47 Minutes of the meetings of the Special Sub-Group held on 22 August 2011 and 13 September 2011**

The minutes of the meetings of the Special Sub-Group held on 22 August 2011 were received and noted.

The minutes of the meetings of the Special Sub-Group held on 13 September 2011 were received and noted and

**Recommended:**

**That, following the trial period, the Council be recommended to make the interim Management Structure agreed in May 2010 permanent in accordance with the recommendations set out in the report, including the consequential savings and reduction in the Senior Management establishment.**

M Stanley  
Chairman

**Agenda Item No 6**

**Executive Board**

**28 November 2011**

**Report of the Assistant Chief Executive  
and Solicitor to the Council**

**Constitutional Amendments**

**1 Summary**

- 1.1 This report outlines a number of amendments to the Council's constitution for the Board's consideration.

**Recommendation to the Council**

- a That the changes to the Portfolio Holder arrangements and formal abolition of the Portfolio Groups detailed in the report be agreed;**
- b That a meeting of the Council's Independent Remuneration Panel be called to review Members' allowances generally, and in particular those for Chairmen, Vice-Chairman, Chairmen of Sub-Committees, Portfolio Holders and Area Forum Chairmen. This review would include the mileage and subsistence allowances;**
- c That the amendment to the substitution scheme for Members detailed in the report be agreed;**
- d That the changes to the Constitution proposed by the Licensing Committee be agreed; and**
- e That the additional delegation regarding the Council's licensing powers be agreed.**

**2 Consultation**

**2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members**

- 2.1.1 Most of the measures are of general application and therefore no specific consultation has taken place. Some measures have been discussed in other Forums and this is detailed in the report.

**3 Portfolio Holders**

- 3.1 The new administration has been reviewing the operation of how the Council's business is performed. Members will recall a number of new arrangements were agreed at the last meeting of this Board.



- 3.2 As the new Sub-Committees and other arrangements are now operational it has prompted a review of the Portfolio Holder system given that a number of issues now have their own Sub-Committee.
- 3.3 It is proposed therefore that instead of the current seven Portfolios this figure is reduced to two; a Health and Well-being Portfolio and a Community Life Portfolio (which would include HS2, Young People and Open Cast Mining).
- 3.4 Housing and Safer Communities issues now have a dedicated Sub-Committee, the Chairmen of which will act as the Council's Spokesperson on these issues. It is proposed that the remaining portfolios will be dealt with by the Vice-Chairmen of the Resources and the Community and Environment Boards, in so far as the issues fall within those Boards.
- 3.5 It is proposed to formally abolish the Portfolio Groups.
- 3.6 It is also proposed that the Council's Independent Remuneration Panel be requested to consider the changes and review the Basic and Special Responsibility Allowances as a result of these changes. In addition the Panel would be asked to look at the mileage and subsistence allowances paid to Members. Whilst the report of the Panel will be considered in due course, the general purpose of the review would be to reduce the overall costs of these matters in order to assist meeting the savings needed by the Council. None of the proposed changes will come into force until the Council has had the opportunity to review the Panel's report.
- 3.7 A revised list of job descriptions will be presented to the Panel and these will be considered by this Board at the same time as the Panel's report.

#### **4 Substitutes**

- 4.1 Members will recall that at the last Board meeting it was agreed to allow substitutes for Members unable to attend Board or other meetings. The Group Leaders and Officers have discussed a number of operational issues and have concluded that it would assist if the nominated substitutes for a Board are allowed to be appointed to, or be a substitute at, any Sub-committee of that Board. It was also thought that being able to nominate a substitute for each Member of the Board would assist in the operation of this process. For example, there are 5 Labour Members of the Executive Board and therefore that Group may nominate 5 substitutes. Accordingly, the Conservative Group may nominate 4 substitutes as they have 4 Members of that Board. The approval of this Board is required and Appendix A sets out the formal change to Standing Order 23.

## 5 Recommendations from the Licensing Committee

- 5.1 The Police and Social Responsibility Act 2011 introduces, amongst other things, a power for Councils to call a review of premises licensed under the Licensing Act 2003 and a power to object to an application for a Temporary Event Notice under the same Act. It has been recommended to that Committee that these powers be delegated to the Assistant Chief Executive and Solicitor to the Council (in consultation with local Members in the case of applying for a review of a licensed premise).
- 5.2 The full report can be viewed at [http://www.northwarks.gov.uk/meetings/meeting/213/licensing\\_committee](http://www.northwarks.gov.uk/meetings/meeting/213/licensing_committee) and will be considered by that Committee on 23 November. The outcome of that meeting will be reported verbally to the Board.
- 5.3 The changes to the Constitution are detailed at Appendix B and includes a provision for using the powers under the Criminal Justice and Police Act 2001 to close unlicensed premises that are selling alcohol, which had been overlooked previously.

## 6 Report Implications

### 6.1 Financial Implications

- 6.1.1 Subject to the review by the Independent Remuneration Panel and the consideration of that Panel's report, there may be a saving as a result of the review of Members' Allowances.

The Contact Officer for this report is Steve Maxey (719438).

### Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

**STANDING ORDER No. 23**  
**Appointment of Boards, Committees, Panels, Forums and Portfolio Holders**

23. (1) The Council will, at its Annual Meeting, appoint such Boards, Committees, Panels, Forums and Portfolio Holders and Substitutes as it is required to appoint under any statute or by virtue of its Constitution. A political group may nominate one Substitute for every Member they have on that Body and for the avoidance of doubt a Member may be appointed to, or be a substitute at, a Sub-committee even if they only a nominated Substitute for the parent Body.
- (2) The Council will, at the Annual Meeting, decide how many Members will serve on each of the above bodies it appoints for the forthcoming year and will appoint their Chairmen and Vice-Chairmen (with the exception of the Standards Committee which shall appoint its own Chairmen and Vice-Chairmen) together with other Members after considering recommendations from the Leader of the Council and the Leaders of the other political groups on the Council. The Council, on the recommendation of these Members, will also appoint the Portfolio Holders
- (3) The Council can, at any time:-
- (a) appoint other Boards, Committees, Panels, Forums, other bodies or Portfolio Holders; or
  - (b) dissolve or alter the Membership including Substitutes of any Board, Committee, Panel or Forum it appoints or change a Portfolio Holder appointment.
- (4) A body can appoint, from its own Members, Panels, Sub-Committees or Task and Finish Groups for purposes specified by the appointing body within its terms of reference. When such a Panel, Sub-Committee or Task and Finish Group is appointed, the Chairman and Vice-Chairman of the appointing body are automatically Members of the Panel, Sub-Committee or Task and Finish Group concerned and are, respectively, its Chairman and Vice-Chairman, unless they inform the Chief Executive to the contrary.
- (5) The minutes of a Panel, Sub-Committee or Task and Finish Group must be reported to its parent body for approval or, if it has delegated powers, for information.

- (6) No Member's term of office on one of these bodies will extend beyond the date of the next Annual Meeting of the Council, with the exception of the Independent Members of the Standards Committee who may be appointed for periods of longer than one year.
- (7) A resignation of a Member from a Board, Committee, Panel, Forum, Sub-Committee or Task and Finish Group will take effect when written notice is received by the Chief Executive.
- (8) Casual vacancies on Boards, Committees, Panels or Forums caused by death, resignation or disqualification will be filled by the Council. Casual vacancies on bodies appointed under Standing Order No. 23(4) will be filled by the parent body.
- (9) Those Members nominated as Substitutes in accordance with this Standing Order may attend any meeting of the Board, Committee, Panel, Forum, Sub-Committee or Task and Finish Group in the absence of any other Members of that Board, Committee, Panel, Forum, Sub-Committee or Task and Finish Group provided that 2 working days notice has been given to the Chief Executive. That notice may be given by the Group Leader, the Member or the Substitute. Any Member acting as a Substitutes shall have the same powers as, and shall in all other regards be counted as, a Member of the Board, Committee, Panel, Forum, Sub-Committee or Task and Finish Group

## **THE LICENSING COMMITTEE**

### **A Main Terms of Reference for the Licensing Committee**

1. All Licensing and Registration functions, except those reserved at C below for any Licensing Sub-Committee.
2. The periodic review of the policy formulated under the Licensing Act 2003 and recommendation of changes, if any, to the Council.
3. Review licence and registration fees, save for those fees which are prescribed.
4. Formulation and review of standard terms and conditions for licences, registrations and permits.
5. Submission to the Council of an annual report on the work undertaken by the Committee and Sub-Committees.

### **B Powers Delegated to the Committee**

All matters listed under A above, with the exception of those matters delegated to the Licensing Sub-Committee at C below.

### **C Licensing Sub-Committee**

#### **(i) Membership**

Any three Members of the Licensing Committee shall act, as and when required, as a Licensing Sub-Committee

#### **(ii) Terms of Reference**

- (a) To hear and determine all licensing applications made under the Licensing Act 2003 unless delegated to officers under D below.
- (b) To hear and determine all licensing and registration applications, save for those made under the Licensing Act 2003, where one or more of the following apply:-
  - the Council has received objections, adverse reports or unfavourable advice in respect of the application or the applicant
  - the relevant Officer is minded to recommend refusal of the application
  - the relevant Officer does not wish to exercise his/her delegated powers
  - the proposal is in conflict with the Council's policy or general practice.

**(iii) Powers delegated to the Licensing Sub-Committee**

All matters listed under the Sub-Committee's terms of reference at (ii) above

**D Powers Delegated to Officers**

**(i) Assistant Chief Executive and Solicitor to the Council**

(a) To issue and renew licences and registrations for:

- scrap metal dealers
- food premises
- pet shops
- caravan sites
- dog breeding establishments
- animal boarding establishments
- riding establishments
- dangerous wild animals
- acupuncture
- ear piercing
- electrolysis
- tattooing
- taxis and private hire legislation
- street collections
- house to house collections
- betting, gaming and lotteries
- amusements with prizes (up to 2 machines)
- game dealers
- street trading consents
- sex shops

**Note (i) In all the cases listed under (a) above, the power delegated does not include the power to refuse a registration or licence. It also assumes that any licence or registration will only be approved after any agreed consultation has been undertaken and that no objection or adverse comments were received during the consultation process.**

**Note (ii) The Assistant Chief Executive and Solicitor to the Council is authorised to determine applications for the renewal of Hackney Carriage or Private Hire Drivers licences from applicants who are outside the normal age range in the Council's policy.**

- (b) Suspension and revocation of licences under Part II of the Local Government (Miscellaneous Provisions) Act 1976, and the service of notices under Section 68 of that Act relating to the fitness of vehicles and the accuracy of taximeters.

- (c) Approval of any commercial advertising anywhere on a licensed Hackney Carriage or Private Hire Vehicle.
- (d) Authority to approve individual applications, under Amusement Premises Byelaw 3(2), for the 24 hour opening of the Games Zone on Corley South Motorway Services Area on Bank Holidays. (This power is to be exercised after consultation with the Chairman of the Board and the Police).
- (e) Authority to make Closure Orders in respect of premises to be licensed under the Licensing Act 2003 if a public noise nuisance is being created.
- (f) Determination of applications under the Licensing Act 2003 defined in the Scheme of Delegation dated 22 December 2004 **(Copy attached at Appendix F).**
- (g) Powers contained in the Licensing Act 2003 (These powers are also delegated to Mr Stephen Whiles– Environmental Health Manager.
- (h) To authorise additional posts for the purposes of the Licensing Act 2003.
- (i) Authority in respect of Section 157 of the Gambling Act 2005 to perform the Responsible Authority role in relation to consultation and responses relating to pollution of the environment or harm to human health. (This power can also be exercised by his nominated deputy).
- (j) Determination of applications under the Gambling Act 2005 defined in the Scheme of Delegation (copy attached at Appendix G).
- ~~(k) The power, in consultation with the Ward Members, to apply for a review of any licence granted under the Licensing Act 2003~~
- ~~(l) The power, in consultation with the Ward Members, to object or otherwise comment on an application for any licence under the Licensing Act 2003.~~
- ~~(m) The power to object or otherwise comment on an application for a Temporary Event Notice under the Licensing Act 2003 (this power is also delegated to the Environmental Health Officer and the Senior Pollution Control Officer.~~
- ~~(n) The power to serve Closure Notices under section 19 of the Criminal Justice and Police Act 2001~~

## **E Powers Delegated to Area Forums**

None.

**Agenda Item No 7**

**Executive Board**

**28 November 2011**

**Report of the Chief Executive**

**Calendar of Meetings 2012/13**

**1 Summary**

1.1 The purpose of this report is to approve a timetable of meetings for 2012/13.

**Recommendation to the Council**

**That the draft calendar of meetings for 2012/13 as submitted at Appendix A to the Chief Executive's report be approved.**

**2 Report**

... 2.1 A draft calendar of meetings for 2012/13 is submitted as Appendix A. The draft has been based on a four cycle calendar of meetings.

2.2 As with the current calendar of meetings the May Full Council meeting will be a ceremonial meeting with Mayor making and the appointment of Boards as the main business. The four cycles would then be

- July to September
- September to December
- December to February
- February to June

2.3 Other points to note on the calendar are as follows:-

- a The majority of all main Board meetings will meet on a Monday. Meetings of the Full Council continue to be held on Wednesdays;
- b Planning and Development Board to meet once each month;
- c The Housing Sub-Committee and Resources Board to meet at least once a cycle;
- d Community and Environment Board to meet at least once a cycle;
- e Generally Executive Board meets towards the end of a cycle and is followed a week later by Scrutiny Board;



**NORTH WARWICKSHIRE BOROUGH COUNCIL  
DRAFT MEETINGS TIMETABLE – 2012/13**

	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13
1									B HOL			B HOL		
2														
3					RES			SB						RES
4		B HOL	COUNCIL		AF(S)					EXB				
5		B HOL												
6					AF(N)			AF(S)					B HOL	
7	B HOL								HSC					
8						HSC								
9			HSC											
10					PLAN									SB
11		RES			EXB					PLAN	PLAN			
12		AF(E)					PLAN	COUNCIL		SB				
13				PLAN										
14		AF(N)							PLAN					
15						PLAN						PLAN	COUNCIL	
16	COUNCIL		PLAN											
17					SB			PLAN						PLAN
18		PLAN									CEB			EXB
19		SB					RES							
20					AF(W)		AF(E)			COUNCIL			PLAN	
21	PLAN	AF(W)							CEB				CEB	
22						CEB						HSC		
23			CEB											
24														
25		EXB						B HOL						
26					COUNCIL		EXB	B HOL						COUNCIL
27				B HOL			AF(W)						B HOL	
28	CEB	AF(S)							LIC/RES					
29							AF(N)				B HOL			
30														
31														

EXB - Executive Board  
RES - Resources Board  
CEB - Community and Environment Board  
PLAN - Planning and Development Board

AF (N) - Area Forum North  
AF (S) - Area Forum South  
AF (E) - Area Forum East  
AF (W) - Area Forum West

SB - Scrutiny Board  
HSC - Housing Sub-Committee  
LIC - Licensing Committee

- f A meeting of the Licensing Committee has been set for the end of January and additional meetings will be arranged on an ad hoc basis;
- g Meetings of the Special Sub-Group and the Safer Communities Sub-Committee will be arranged on an ad-hoc basis; and
- h Where possible no meetings have been arranged during the bank holiday weeks.

**3 Report Implications**

3.1 There are no report implications.

The Contact Officer for this report is David Harris (719222).

**Background Papers**

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
None			

## **Agenda Item No 8**

### **Executive Board**

**28 November 2011**

#### **Report of the Assistant Director (Finance and Human Resources)**

#### **Supplementary Estimate Request from the Planning and Development Board**

### **1 Summary**

- 1.1 This report requests a supplementary estimate to cover the shortfall in planning fee income and the additional costs of the Building Control Partnership.

#### **Recommendation to the Council**

**To approve a supplementary estimate for £124,000 to cover the reduction in Planning Fee income and additional costs on Building Control.**

### **2 Summary**

- 2.1 The Planning and Development Board considered the latest budgetary control report for the services reporting to them at their meeting on 14 November. The report identified two significant areas of shortfall against the budgeted position.
- 2.2 The budget for planning fees is set on the basis that there will be two larger applications per year. In the current year these have not been forthcoming, although there are some potential larger applications expected which are likely to be submitted early in 2012/13. Therefore there is a need for a supplementary estimate to cover the expected shortfall in fee income in 2011/12 only.
- 2.3 The Building Control partnership is experiencing a continued downturn in fee income. Measures are in place to reduce costs within the partnership but some of these around employee costs will only be implemented by March 2012. This therefore will require a supplementary estimate of £34,000 to cover the authority's share of the expected additional costs for the current year. Full year savings will be achieved in 2012/13 and these, together with further action being taken by the Partnership to reduce costs, should reduce our contribution back to the current budget level.

### 3 Report Implications

#### 3.1 Finance and Value for Money Implications

3.1.1 The Council's 2011/12 budget assumes the use of general balances of £419,380. This request for a supplementary estimate of £124,000 would increase that use of balances. However there are a number of other service areas which are better than expected in the original budget. Taking all the expected movements into account, detailed in the Consolidated Budgetary Control Report which went to the November Resources Board, the overall increase in use of balances is £13,300 in the year.

#### 3.2 Environment and Sustainability Implications

3.2.1 The Council has to ensure that it adopts and implements robust and comprehensive budgetary monitoring and control, to ensure not only the availability of services within the current financial year, but in future years.

The Contact Officer for this report is Nigel Lane (719371).

### Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

**Agenda Item No 9**

**Executive Board**

**28 November 2011**

**Report of the Assistant Chief Executive  
(Community Services)**

**Reduction of Council Tax  
Discounts for Second Homes and  
Long Term Empty Dwellings**

**1 Summary**

- 1.1 The report asks the Board to consider using its discretion to reduce Council Tax discounts awarded in respect of “second homes” and “long term empty” properties.

**Recommendation to Council**

**That the Council authorises**

- a The reduction of council tax discounts on second homes from 50% to 10% from 1 April 2012; and**
- b The reduction of council tax discounts on long-term empty dwellings from 50% to zero from 1 April 2012.**

**2 Background**

- 2.1 The Board is invited to consider the attached report regarding the proposals to reduce Council Tax discounts awarded in respect of “second homes” and “long term empty” properties. The report is also to be considered by the Resources Board at its meeting on 21 November 2011 and observations from that meeting will be reported at the Executive Board.

**3 Report Implications**

- 3.1 These are set out in the attached report.

The Contact Officer for this report is Bob Trahern (719378).

**Agenda Item No 7**

**Resources Board**

**21 November 2011**

**Report of the Assistant Chief Executive  
(Community Services)**

**Reduction of Council Tax  
Discounts for Second Homes and  
Long Term Empty Dwellings**

**1 Summary**

- 1.1 The report asks the Board to consider using its discretion to reduce Council Tax discounts awarded in respect of “second homes” and “long term empty” properties.

**Recommendation to Executive Board**

**That the Board authorises**

- a The reduction of council tax discounts on second homes from 50% to 10% from 1 April 2012; and**
- b The reduction of council tax discounts on long-term empty dwellings from 50% to zero from 1 April 2012.**

**2 Background**

- 2.1 Under the original council tax legislation regarding second homes and long-term empty properties the owner was historically entitled to a 50% council tax discount. However, changes to Government legislation has allowed all Billing Authorities the discretion to reduce this discount from 50% to 10% for second homes and from 50% to zero for long term empty properties to ensure Councils are not unfairly disadvantaged where they have significant numbers of second homes or long term empty properties.
- 2.2 The changes if implemented will result in increased council tax being paid by owners of second homes and long term empty properties which is likely to influence behaviours (i.e.) provide the incentive to bring a property back into use or be used in a different way. This report outlines the potential impact of implementing this change.

### 3 Second Homes

- 3.1 Whilst the number of second homes in the borough has never been a particularly large problem in terms of income loss, awarding a 50% discount does lead to a drop in council tax income and revenue to the Council. Second homes are defined as dwellings that are no one's sole or main residence and furnished.
- 3.2 However, Billing authorities are able to reduce the discount for second homes from the current nationally set 50% to a minimum 10%. The Regulations require that the additional money from reducing the second homes discount be distributed in proportion to how council tax is currently shared.
- 3.3 In the Borough, there are currently 65 properties or "59 Band D equivalent second homes". Based on current levels of council tax (2011-12), reducing the discount to 10% on Second Homes would yield the following amounts of additional council tax income for each preceptor: -

Warwickshire County Council	£27,250
Warwickshire Police Authority	£4,000
NWBC	£5,000
Parish/Town Councils	<u>£750.00</u>
Total	<u>£37,000</u>

- 3.4 These figures are based on the number of properties currently classed as second homes. Should the discount be reduced, it is likely that the number of second homes may reduce as owners either sell property or seek to let them. This in time could result in more income being raised from the properties dependent on how they are occupied.

### 4 Long Term Empty Properties

- 4.1 The Council can also limit discounts on long-term empty properties so as to provide an incentive to get such properties back into use. A long-term empty property, These are dwellings that are vacant (i.e.) unoccupied and substantially unfurnished for long periods of 6 months or more currently receives an automatic 50% Council Tax discount providing they are not an exempt property. The regulations allow the Council to reduce or remove completely the 50%, thereby giving the Council the opportunity to charge 100% for long-term empty properties.
- 4.2 However, unlike the discounts for second homes the preceptors will only receive any financial benefit for one financial year following any decision to remove the discount i.e. 2012/13. From 2013/14 onwards, under the current arrangements, the precepting authorities would not receive the same ongoing financial benefit by retaining the additional income generated as our grant would be reduced by an equivalent amount However should localisation of Business Rates be implemented from 2013 then the Council would continue to benefit from this additional income.

4.3 If following the recently concluded consultation period the Government decide to abandon or defer the introduction of the proposed introduction of the localisation of business rates and the current grant system continued, the Council would lose any ongoing benefit beyond 2012/13 as outlined in 4.2 above.

4.4 As at 27 October, there are 445 properties or 390 “Band D equivalent long term empty properties” in the borough. Reducing the discount to zero will generate the following additional amounts to each preceptor: -

Warwickshire County Council	£225,250
Warwickshire Police Authority	£34,000
NWBC	£40,500
Parish/Town Councils	<u>£6,250.</u>
Total	<u>£306,000</u>

4.5 Again, in addition to any financial benefit locally, reducing the discount would act as an incentive to encourage such properties to be brought back into use and this will result in the Council benefiting from incentives created by the recently introduced New Homes Bonus scheme.

4.6 Bringing empty properties back into use has now become a National priority as well as a local one as outlined in a recent report by the Assistant Director (Housing) approved by the Housing Sub Committee in October 2011. She outlined in her report about the current issues being faced by the Council in trying to meet the increased demand for homes by residents who are struggling to access the right level of finance to afford a property. There is a push to make better use of the current housing stock in both the public and private sector

4.7 The Government’s New Homes Bonus recognises the problem and is concerned with not only rewarding Councils for building or approving new houses but also bringing empty homes back into use. A Council’s ability to access the New Homes Bonus reward scheme is dictated by ensuring the number of long term empty homes in their district is decreasing and by adopting a change in the Councils charging policy around long-term empty properties in relation to Council Tax levied would contribute to this aim.

## 5 Use of the Additional Revenue

5.1 There is no statutory requirement over how the additional revenue generated by these changes should be spent. It is down to the Council as the Billing Authority to decide whether to exercise the option to reduce discounts and it is up to all the precepting authorities to decide what to do with the extra funds.



- 5.2 Members may be interested to note that a precedent has been set in Warwickshire on the likely approach that will be adopted by the County Council and Police based on the decision of Warwick DC to implement the changes outlined in this report in 2011.
- 5.3 Warwickshire County Council (WCC) and Warwickshire Police Authority (WPA) were both approached by Warwick DC to seek agreement for the additional council tax yield from reducing the discounts to be ring fenced for use within their area only to help tackle the chronic shortage of affordable housing in the Borough.
- 5.4 The Strategic Director of Resources at the County responded that WCC and WPA supported the reduction in the discounts on the basis that “at a time when the resources available to public authorities were certain to be constrained, it was prudent to actively pursue all available sources of funding. Moreover, the removal of existing discounts would in itself be likely to impact on the availability of housing within the district, by encouraging owners to sell or let properties more quickly than at present, by discounting prices where necessary.” However, neither WCC nor WPA were prepared to ring fence any resources to be spent in the borough, nor to earmark any resources raised for affordable housing.
- 5.5 Despite the response from WCC/WPA, and like Warwick DC concluded it is still in the Council’s interests to agree to reduce the council tax discounts on second homes and long-term empty properties for the reasons outlined in this report.

## **6 Report Implications**

### **6.1 Finance and Value for Money Implications**

- 6.1.1 These are outlined in Section 3 of the report above but in summary if based on the current position will result in an additional £5,000 income being generated every year in terms of the Councils element of the additional income generated from removal of the Second Home discount.
- 6.1.2 The estimated additional income to the Council raised from removal of the discount on Long Term Empty properties will generate approximately £40,500 in 2012/13 only, unless localisation of business rates is implemented from 1/4/2013.
- 6.1.3 There is also a financial benefit for the Council if its long-term empty homes figure falls, as this is part of the assessment for the level of New Homes Bonus it receives. Every home we bring back into occupation will count towards the Council’s New Homes Bonus and will allow the Council to retain 80% of a receipt of approximately £1,100 reward per annum for up to a maximum of 6 years providing the property remains in use.

## **6.2 Human Resources Implications**

- 6.2.1 The removal and/or reduction of discounts will most likely result in some initial customer contact with the Council's Revenues and Customer Services Sections. However it is estimated that this extra volume of contact can be absorbed within current staffing levels.
- 6.2.2 The decision by this Board to approve the appointment of an Empty Homes Officer on a two year temporary contract under the management of the Assistant Director (Housing) should also greatly assist the Council bring empty properties back into use and thus maximise income to the Council.

## **6.3 Safer Communities Implications**

- 6.3.1 Reducing or removing the discount for long term empty properties will act as an incentive to bring empty properties back into use thereby reducing the low level crime and anti-social behaviour that these types of properties can attract.

## **6.4 Legal and Human Rights Implications**

- 6.4.1 It is a statutory requirement that removal of discounts is a decision of the Full Council and that the decision is made in advance of notifying our precepting authorities of the tax base to be used for setting precepts for 2012/13. The deadline date for notifying the tax base is 31 January 2012.
- 6.4.2 In addition, whilst not a legal requirement, it is intended to send letters to all those affected by this change if approved to notify them of the impact with regard to their bill. This should reduce future enquiries and will also give them time to consider whether they need to make any decisions with regard to the property before the additional charge starts on 1 April 2012

## **6.5 Environment and Sustainability Implications**

- 6.5.1 Bringing empty homes back into use can help sustain the viability of small rural communities by increasing the potential customer base.

## **6.6 Risk Management Implications**

- 6.6.1 There is a risk that increased charges as a result of reduced discounts may cause owners of long term empty properties or second homes to refuse to pay the extra council tax. This risk is moderated by the excellent record of the Council's Revenues Section in collecting council tax during this extremely challenging economic climate.

The Contact Officer for this report is Bob Trahern (719378).

**Agenda Item No 10**

**Executive Board**

**28 November 2011**

**Report of the Chief Executive**

**Nominated Governor – George Eliot Hospital**

**1 Summary**

- 1.1 The purpose this report is to nominate a replacement for former Councillor Wendy Smitten on the Board of Governors for the George Eliot Hospital.

**Recommendation to the Council**

**That the Council nominates its representative to serve on the Board of Governors for the George Eliot Hospital.**

**2 Background**

- ... 2.1 Attached is a letter from the George Eliot Hospital seeking a replacement for former Councillor Wendy Smitten on its Board of Governors.
- ... 2.2 Information about the role and details of the criteria which excludes individuals from becoming a Governor is also enclosed in the Appendix.

**3 Report Implications**

**3.1 Financial Implications**

- 3.1.1 Members attendance at these meetings is included in their budgeted special allowance. Additional costs relating to travel can also be met from existing budgets within the 'cost of democratic process budget'.

The Contact Officer for this report is David Harris (719222).

**Background Papers**

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	George Eliot Hospital	Letter	31/08/11

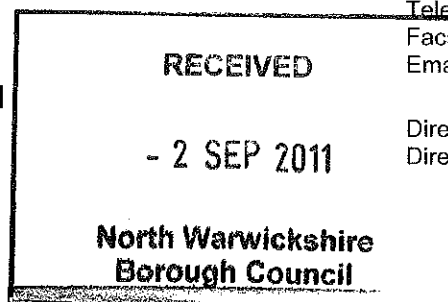
George Eliot Hospital NHS Trust  
College Street  
Nuneaton CV 10 7DJ  
Telephone 024 76 351351  
Facsimile 024 76 865175  
Email [enquiries@geh.nhs.uk](mailto:enquiries@geh.nhs.uk)

Direct line: 024 76153476  
Direct email: [stuart.annan@geh.nhs.uk](mailto:stuart.annan@geh.nhs.uk)

Our Ref: W/FT/H04.3/repl

31<sup>st</sup> August 2011

Mr D Harris  
Democratic Service Manager  
North Warwickshire Borough Council  
South Street  
Atherstone  
Warwickshire



Dear Mr Harris

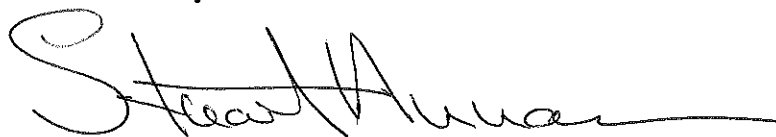
## **Nominated Governor – George Eliot Hospital**

I write following notification from Mrs Wendy Smitten that she can no longer remain in the above position, and contact with your office who advise us that you are the right person to deal with finding a replacement; which will ensure North Warwickshire Borough Council representation on our Board of Governors continues.

Enclosed with this letter is information about the role and details of the criteria which excludes individuals from becoming/remaining a Governor. I have also taken the opportunity to enclose our most recent newsletter for our members which you may find of interest.

If you wish to discuss any of the above, please contact our Membership Manager, Doreen Sadler at the telephone number shown above.

Yours sincerely



Stuart Annan  
Chairman

Encs

*...Our future is in our hands...*

## EXTRACT FROM THE DRAFT CONSTITUTION REGARDING ELIGIBILITY FOR THE BOARD OF GOVERNORS

### Board of Governors – disqualification and removal

13.1. The following may not become or continue as a member of the Board of Governors:

- 13.1.1 a person who has been adjudged bankrupt or whose estate has been sequestrated and (in either case) has not been discharged:
- 13.1.2 a person who has made a composition or arrangement with, or granted a trust deed for, his creditors and has not been discharged in respect of it:
- 13.1.3 a person who within the preceding five years has been convicted in the British Isles of any offence if a sentence of imprisonment (whether suspended or not) for a period of not less than three months (without the option of a fine) was imposed on him:
- 13.1.4. a person who is a director (whether executive or non-executive) of the Trust, or a governor or director (whether executive or non-executive) of a Health Service Body (unless they are appointed as a governor by an appointing organisation listed in Annex which is a Health Service Body):
- 13.1.5. a person who is subject to a sex offender order:
- 13.1.6. a person who has within the preceding two years been dismissed on grounds of gross misconduct from any paid employment with a Health Service Body
- 13.1.7. a person whose tenure of office as the chairman or as a member or director of a health Service Body has been terminated on the grounds that his appointment is not in the interests of the health service , for non-attendance at meetings, or for non-disclosure of a pecuniary interest:
- 13.1.8. a person who is, on the basis of medical evidence, incapable by reason of mental disorder, illness or injury of carrying out the duties of a governor:

- 13.1.9. a person who has made a false nomination declaration in connection with their application to become a governor:
  - 13.1.10. a person who is defined under the Trust's complaints policy as vexatious complainant or litigant: or
  - 13.1.11. a person who is a member of staff of the Trust who has a disciplinary sanction still in force.
- 13.2.** Governors must be at least [16] years of age at the date they are nominated for election or appointment.
- 13.3.** A person holding office as a governor shall immediately cease to do it if:
- 13.3.1 they resign by notice in writing to the secretary:
  - 13.3.2 they fail to attend two consecutive meetings of the Board of governors, unless the other governors are satisfied that:
    - (a) the absences are due to reasonable causes: and
    - (b) they will be able to start attending meetings of the Board of Governors again with such period as the other governors consider reasonable:
  - 13.3.3 in the case of an elected governor they cease to be a member of the constituency or class of the constituency by whom they were elected:
  - 13.3.4 in the case of an appointed governor they cease to perform functions for their appointing organisation or the appointing organisation terminates the appointment:
  - 13.3.5 they have refused without reasonable cause to undertake any training which the Board of Governors requires all governors to undertake:
  - 13.3.6 they have failed to sign and deliver to the Secretary a statement in the form required by the Board of Governors confirming acceptance of the code of conduct for governors:
  - 13.3.7 they are removed from the Board of Governors by a resolution approved by not less than three quarters of the remaining governors present and voting at a meeting of the Board of Governors on the grounds that:

- (a) they have committed a serious breach or persistent breaches of the code of conduct for governors:
- (b) they have acted in a manor detrimental to the interests of the Trust:
- (c) they have failed to discharge their responsibilities as a governor:
- (c) they have failed to declare relevant interests when required to do so.

and the Board of Governors considers that it is not in the best interests of the Trust for them to continue as a governor.

## THE ROLE OF THE GOVERNORS

### 1: Governors have four specific areas of responsibility within their role:

- **Advisory** – providing a steer on how the Foundation Trust can carry out its business in ways that are consistent with the needs and representing the views of the members and the wider community.
- **Guardianship** – acting as guardians to ensure that the Foundation Trust operates in accordance to our licence and its terms of authorisation by being responsible for feeding back information about the trust, its vision, strategy and performance to the constituencies and stakeholder organisations that either elected or appointed them.
- **Strategic** – advising on longer term direction so that the Board of Directors can determine future policy.
- **Accountability** - to hold the Board of Directors to account for the delivery of set strategic objectives.

### 2: Individually and collectively each Governor will:

- ensure that the George Eliot continues as a leading service provider of healthcare, and the hospital of choice for the community it serves.
- at all times work in the best interest of the Trust.
- communicate the views of the membership and partner organisations.
- attend a minimum of two formal meetings a year, one members annual meeting and approximately four seminars a year, also sub-committees are required.
- feedback information about the Trust to the membership and partner organisations.
- appoint, and if appropriate, dismiss the Non-Executive Directors and the Chairman.
- decide on the remuneration and allowances, and the other terms and conditions of office, of the Non-Executive Directors.
- approve an appointment of the Chief Executive.
- appoint or remove the External Auditors.
- receive the Annual Accounts, External Auditor's Reports and Annual Reports.
- advise the Board of Directors on the Trust's strategic planning.



- ensure the Foundation Trust operates within the terms of its licence.
- ensure the Board of Governors and associated meetings are held in accordance with policy and standing orders.
- comply with and implement the Code of Conduct for Governor Members and abide by the Nolan Principles.
- be consulted on and make recommendations to the Trust Board of Directors on the development of the membership strategy.
- respond as appropriate when consulted by the Board of Directors in accordance with the constitution.
- undertake such functions as the Board of Directors shall from time to time request.
- receive regular information as appropriate to the responsibilities of the Board of Governors.
- set up sub-committees and working groups in conjunction with the Chair, for example the Nominations Committee, Non Executive Director Remuneration Committee and others as appropriate.
- attend the Annual Members Meeting and special events as appropriate.

## **Additional Roles**

### **Brokering community support**

Governors will be asked to develop strong links with the community, or a subsection of that community that they represent. They will become one of the links to the wider membership and will help the trust to reach further into the community to encourage and develop support, engagement and consultation on specific strategies and policies.

### **Provide real time service user feedback**

We will harness the skills of our Governors to provide us with real time, meaningful and direct feedback on patient experience and our strategic direction.

### **The opportunity to volunteer on specific work projects, mentoring etc**

There will be the opportunity for our Governors and members to become involved in voluntary activities within the hospital and associated services within the community. Governors will have some responsibility for directing and promoting voluntary activity.

### **Note:**

The roles and responsibilities as outlined above reflect the statutory duties of a Governor and a guide to the expectations of the Trust in respect of the rest of the role. It is anticipated that the role will be further developed and refined by Governors and the Members in partnership with the Trust and will evolve to meet our mutual needs over time.

## Agenda Item No 11

### Executive Board

28 November 2011

#### Report of the Assistant Director (Finance and Human Resources)

#### Budgetary Control Report 2011/12 Period Ended 31 October 2011

### 1 Summary

- 1.1 The report covers revenue expenditure and income for the period from 1 April 2011 to 31 October 2011. The 2011/2012 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

#### **Recommendation to Council**

**That the report be noted.**

### 2 Consultation

#### 2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members

- 2.1.1 Both Councillors' Forwood and Lea have been consulted regarding this report. Any comments received will be reported verbally to the Board.

### 3 Report

#### 3.1 Introduction

- 3.1.1 Under the Best Value Accounting Code of Practice (BVACOP), services should be charged with the total cost of providing the service, which not only includes costs and income directly incurred, but also support costs relating to such areas as finance, office accommodation, telephone costs and IT services.

### 4 Overall Position

- 4.1 Net controllable expenditure for those services that report to the Executive Board as at 31 October 2011 is £295,315 compared with a profiled budgetary position of £329,805; an under spend of £34,490. Appendix A to this report provides details of the profiled and actual position for each service reporting to this Board, together with the variance for the period.

- 4.2 Where possible, the budget to date figure has been calculated with some allowance for seasonal variations, in order to give a better comparison with actual figures. Reasons for the variations are given, where appropriate, in more detail below.

### **4.3 Outreach and Access to Services**

4.3.1 To date there is an under spend of £20,417 against the profiled professional services budget. The Community Hub Task and Finish Group established by the Community and Environment Board in October 2011 will be considering how to commit this budget during the next six months as well as the earmarked reserves set aside from previous years.

### **4.4 Corporate Communications**

4.4.1 There has been a saving to date against the profiled Printing budget. This is as a result of a change in suppliers for the printing of the North Talk publication.

### **4.5 Community Strategy**

4.5.1 There is a current saving on the hire of premises and printing, as a result of Partnership events not taking place this financial year.

### **4.6 Emergency Planning**

4.6.1 A general under spend to date on the professional fees budget covering bought in services.

## **5 Risks to the Budget**

5.1 The key risks to the budgetary position of the Council from services under the control of this Board are:

- The current level of budget within Emergency Planning is sufficient to carry out the anticipated workload; however any major local emergency would require additional expenditure.
- Budget provision does not currently exist for production of and delivery of a third edition of 'North Talk' and currently depends on finding external funding each year.

## **6 Estimated Out-turn**

6.1 Members have requested that Budgetary Control Reports provide details on the likely out-turn position for each of the services reporting to this Board. There is insufficient information at this point to warrant any change in the original estimate of £558,510.

6.2 The figures provided above are based on information available at this time of the year and are the best available estimates for this board, and may change as the financial year progresses. Members will be updated in future reports of any changes to the forecast out turn.

## 7 Report Implications

### 7.1 Finance and Value for Money Implications

7.1.1 The Council's budgeted contribution from General Fund balances for the 2011/12 financial year is £419,380. Income and Expenditure will continue to be closely managed and any issues that arise will be reported to this Board for comment.

### 7.2 Environment and Sustainability Implications

7.2.1 The Council has to ensure that it adopts and implements robust and comprehensive budgetary monitoring and control, to ensure not only the availability of services within the current financial year, but in future years.

The Contact Officer for this report is Nigel Lane (719371).

### Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

## North Warwickshire Borough Council

## Executive Board

## Budgetary Control Report 2011/2012 as at 31 October 2011

Description	Approved Budget 2011/2012 £	Profiled Budget October 2011 £	Actual October 2011 £	Variance £	Comments
Housing Strategic Service Review	32,750	18,498	18,498	(0)	
Outreach and Access to Services	35,000	20,417	0	(20,417)	See Para 4.3
Corporate Communications	77,150	56,112	53,309	(2,803)	See Para 4.4
Community Strategy	149,900	67,537	65,234	(2,303)	See Para 4.5
Communication Group	1,920	1,208	175	(1,033)	
Emergency Planning	53,570	31,249	22,937	(8,312)	See Para 4.6
N.Warks Local Development Framework	196,080	134,079	134,456	377	
Support to Parishes	12,140	706	706	-	
<b>Total Expenditure</b>	<b>558,510</b>	<b>329,805</b>	<b>295,315</b>	<b>(34,490)</b>	

## **Agenda Item No 12**

### **Executive Board**

**28 November 2011**

#### **Report of the Assistant Chief Executive and Solicitor to the Council**

#### **Whistleblowing Policy**

### **1 Summary**

- 1.1 This report asks Members to agree changes to the Council's Confidential Reporting Policy (also known as the Whistleblowing Policy).

#### **Recommendation to the Council**

**That the revised Policy be adopted.**

### **2 Consultation**

#### **2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members**

- 2.1.1 The Policy is of general application and therefore no specific consultation has taken place. The Unions have been consulted and have agreed the revised policy.

### **3 Report**

- 3.1 The Council adopted a Procedure in 2004 to allow staff to exercise their statutory right to confidentially raise issues of concern about the organisation. The background to this right is detailed in the draft policy appended to the report.
- 3.2 The Policy is now due for revision. Since the last review the Bribery Act 2010 has come into force (the Act is reported elsewhere on the agenda). A number of changes therefore reflect this and the opportunity has also been taken to revise the wording of certain other provisions within the Policy. The revised Policy is attached as the Appendix to this report.

## 4 Report Implications

### 4.1 Legal and Human Rights Implications

The confidential reporting procedure is a highly significant employment issue and it is therefore important that the Council has an up-to-date Policy.

The Contact Officer for this report is Steve Maxey (719438).

#### **Background Papers**

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>



## NORTH WARWICKSHIRE BOROUGH COUNCIL

### CONFIDENTIAL REPORTING POLICY

#### 1. PREAMBLE

1.1 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees and others that we deal with, who have serious concerns about any aspect of the



Council's work, to come forward and voice those concerns. It is recognised that most cases will have to proceed, *at least initially*, on a confidential basis.

1.3 This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or "blowing the whistle" outside.

1.4 The policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders and drivers. It also covers suppliers and those providing services under a contract with the Council, in their own premises *or elsewhere*.

1.5 These procedures are in addition to the Council's complaints procedures and other reporting procedures (for example, in Financial Regulations).

1.6 This policy has been discussed with the relevant trade unions and has their support.

*IF IN DOUBT, PLEASE RAISE IT*

## 2. AIMS AND SCOPE OF THIS POLICY

2.1 This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosures in good faith

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other

employees

- damage to the environment
- the unauthorised use of public funds, resources or information
- possible fraud and corruption
- sexual, psychological or physical abuse of other employees or service users or other unethical conduct
- *possible acts of bribery*

2.3 Any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting Policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to
- is against the Council's Standing Orders and policies
- falls below established standards of practice or
- amounts to improper conduct

2.4 This policy does not replace the corporate complaints procedure.

### 3. SAFEGUARDS

3.1 The Council is committed to good practice and high standards and wants to be supportive of employees.

3.2 The Council recognises that the decision to report a concern can be a difficult one to make. If you are acting in good faith, you should have nothing to fear as you will be doing your duty to your employer and those for whom you are providing a service.

3.3 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any other action that you have taken or that already affects you.

#### 4. CONFIDENTIALITY

4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness

4.2 This policy encourages you to put your name to your allegation whenever possible as concerns expressed anonymously are much more difficult to investigate, and it may therefore be difficult to pursue such an investigation to a reliable conclusion, *protect your position or provide feedback.*

#### 5. UNTRUE ALLEGATIONS

5.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

## 6. HOW TO RAISE A CONCERN

6.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the Chief Executive, Deputy Chief Executive, Monitoring Officer (Assistant Chief Executive and Solicitor to the Council) or the Audit Manager.

6.2 Concerns may be raised orally or in writing. Staff who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates)
- the reason why you are particularly concerned about the situation

6.3 The earlier you express the concern the easier it is to take action.

6.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern. *However the Council would prefer you to raise concerns as soon as possible, rather than waiting for proof.*

6.5 Advice and guidance on how to pursue matters of concern may be obtained from:

- Deputy Chief Executive (Section 151 Officer) - Chris Brewer ext. 2259,  
direct line 01827 719259, mobile 07970 248233
- Monitoring Officer – Steve Maxey ext. 2438, direct line 01827 719438,  
mobile 07970 747985
- Deputy Section 151 Officer – Sue Garner ext. 2374, direct line 01827  
719374, mobile 07719 298768
- Head of Audit – Barbara Haswell ext. 2416, direct line 01827 719416

6.6 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

## 7. HOW THE COUNCIL WILL RESPOND

7.1 The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

7.2 Where appropriate, the matters raised may:

- be investigated by management, internal audit, other trained staff or through the disciplinary process
- be referred to the police if criminal offences are suspected
- be referred to the external auditor *or investigator*
- form the subject of an independent inquiry

7.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The over-riding principle which the Council will have in mind is the public interest.

7.4 Concerns or allegations which fall within the scope of specific procedures (for example, discrimination issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.



7.5 Within ten working days of a concern being raised, the Monitoring Officer (or, in his absence *the s.151 Officer or Deputy s.151 Officer*) will write to you :

- acknowledging that the concern has been received
- indicating how we propose to deal with the matter
- giving an estimate of how long it is likely to take to provide a final response
- telling you whether any initial enquiries have been made
- supplying you with information on staff support mechanisms and
- telling you whether further investigations will take place and if not, why not

7.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.

7.7 Where any meeting is arranged, off-site if you so wish, a union or professional association representative or a friend can accompany you. You will not be allowed to have legal representation at this stage.

7.8 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give

evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive advice about the procedure. The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

## 8. THE RESPONSIBLE OFFICER

8.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council. Such reports will respect your confidentiality.

## 9. HOW THE MATTER CAN BE TAKEN FURTHER

9.1 This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you remain dissatisfied, and you feel it is right to take the matter outside of the Council, you may wish to take advice from your trade union, professional body or Public Concern at Work - telephone 0207 404 6609, [www.pcaw.co.uk](http://www.pcaw.co.uk) or [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)

*9.2 The Public Interest Disclosure Act 1998 gives you protection for making disclosures of information in the public interest to a list of prescribed persons outside of the Council. You should seek advice on the effect of the Act from the persons referred to above. If you do take the matter outside of the Council, you should ensure that you do not disclose information where you owe a duty of confidentiality or where you would commit an offence by making disclosure. In order to ensure that you do not make any such disclosures you may want to check the position with the Monitoring Officer.*

Steve Maxey

Monitoring Officer

November 2011

Review date – April 2013

**Agenda Item No 13**

**Executive Board**

**28 November 2011**

**Report of the Assistant Chief Executive  
and Solicitor to the Council**

**Employee Code of Conduct**

**1 Summary**

This report asks Members to agree changes to the Council's Employee Code of Conduct.

**Recommendation to the Council**

**That the revised Code be adopted**

**2 Consultation**

**2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members**

The Policy is of general application and therefore no specific consultation has taken place. The Unions have been consulted and have agreed the revised Code.

**3 Report**

The Council has an adopted Code of Conduct for Employees to ensure the highest standards of conduct from its staff. The Code is now due for renewal and, as reported elsewhere on the agenda, since the last review the Bribery Act 2010 has come into force.

A number of recommended changes have therefore been made to reflect this, most notably in the suggested changes regarding the declaration of gifts and hospitality. At the moment only gifts or hospitality that exceed £25 in value need to be declared. Given the provisions of the Bribery Act it is recommended that this limit is removed and that all gifts/hospitality be declared. Three exemptions have been included in the Code to prevent this being too restrictive.

The revised Policy (and its Appendix) is attached as the Appendix to this report.

#### 4 Report Implications

##### 4.1 Legal and Human Rights Implications

The Code forms part of our Employees' terms and conditions and should balance their rights with the Council's requirements.

The Contact Officer for this report is Steve Maxey (719438).

#### **Background Papers**

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>

# **NORTH WARWICKSHIRE BOROUGH COUNCIL**

## **EMPLOYEE CODE OF CONDUCT**

### **1. Introduction**

This Code of Conduct applies to all those individuals who are employed by North Warwickshire Borough Council (“the Council”). It will also be a requirement of any contract for the provision of services to the Council, or on behalf of the Council to members of the public, that those engaged on the provision of the service shall be bound by this Code. Throughout this document the term “employee” shall be construed accordingly.

### **2. General Principles**

The public is entitled to expect the highest standards of conduct from all employees of the Council. The role of such employees is to serve the Council in providing advice, implementing its policies and delivering services to the people of North Warwickshire. In performing their duties, employees must act with integrity, honesty, impartiality and objectivity.

### **3. Accountability**

Employees work for the Council and serve the whole of the Council. They are accountable to, and owe a duty to, the Council. They must act in accordance with the principles set out in this Code, recognising the duties of all public sector employees to discharge public functions reasonably and according to law.

### **4. Political Neutrality**

Employees, whether or not politically restricted, must follow every lawfully expressed policy of the Council, and must not allow their own personal or political opinions to interfere with their work. Where employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities

### **5. Relations with Members, the Public and other Employees**

Mutual respect between employees and members is essential to good local government, and working relations should be kept on a professional basis. This area is covered more fully in the Council's “Protocol for Member/Officer Relations”.

Employees should deal with the public, members, other employees and contractors, sympathetically, efficiently and without bias.

### **6. Equality**

Employees must comply with all the Council's policies relating to equality issues, in addition to the requirements of the law.

## **7. Stewardship**

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so. Employees must follow the requirements of the Council's Financial Regulations at all times.

## **8. Personal Interests**

Whilst employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they must comply with:

- (1) the rules of the Council on the registration and declaration by employees of financial and non-financial interests, which form Appendix A to this Code
- (2) the rule requiring employees to declare any gift or hospitality which is received in the course their employment *save for small items of stationary, meals that are ancillary to bona fide meetings or training courses and genuine training courses that are run at a loss. Advice on whether a matter needs declaring can be obtained from the Monitoring Officer.*

## **9. Corruption/Bribery**

*With regard to paragraphs 8 and 9, particular attention should be made to the Bribery Act 2010 which makes offering or accepting a bribe an offence. Bribery is defined as giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so.*

Employees should be aware that *bribery is not acceptable at NWBC. An act of bribery (to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything, or showing favour or disfavour to any person in their official capacity) is a criminal offence and is very likely to be considered an act of gross misconduct.*

## **10. Whistleblowing**

In the event that an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the Council's Confidential Reporting Policy, or any other procedure designed for this purpose.

**11. Treatment of Information**

The Council regards openness in the dissemination of information and decision making as the norm. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a person who is entitled to receive it, or who needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

**12. Appointment of Staff**

Employees involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit, and in accordance with the Council's Recruitment Policy. In order to avoid any possible accusation of bias, such employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.

**13. Breaches of this Code**

Any breach of this Code by an individual employed by the Council will be dealt with under the Council's Disciplinary Procedure. Any breach by an individual employed by a contractor providing services to, or on behalf of, the Council will result in that individual being removed from the contract, unless agreed otherwise between the Council and the contractor. *In addition, where breaches may constitute criminal offences, consideration will be given to further investigation and informing the Police.*

**14. Review**

This Code will be reviewed no later than 30 September 2013.

Steven Maxey  
Monitoring Officer



## Appendix A

### DECLARATION OF FINANCIAL AND NON-FINANCIAL INTERESTS

1. An employee must declare any financial or non-financial interest of which he is aware that in any way affects or is connected with any business which the Council is conducting. This will include any interest which the employee, a relative *or a person with whom the employee has a close association* has in matters such as (the following list is illustrative only and should not be regarded as exhaustive):

- Any application to purchase or lease land from the Council, or to procure any service from the Council on any terms different from those on which such services are available to the residents of the Borough generally;
- Shares in, or ownership of, any company which is tendering for, or has, a contract with the Council;
- Interest in any land which is affected (either beneficially or adversely) by any application for planning permission;
- Membership of any club, society, or other organisation which is applying to the Council for any grant, licence, or permission, or requesting the Council to waive or refrain from enforcing any charge or penalty or otherwise taking action against the organisation;
- Any relative applying for employment with the Council.

2. *It is the responsibility of the employee to make any such declaration, in writing, to the Monitoring Officer either at the commencement of employment or as soon as the employee becomes aware of such interest.* The Monitoring Officer shall maintain a register of all such declarations, which shall be available for inspection by Members and Chief Officers. He shall also inform any other member or officer whom he considers needs to know of the interest for the proper performance of their duties to the Council.

3. In this appendix, the term “relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of these people; and “partner” means a member of a couple who live together.

4. *In this appendix a person with whom you have a close association is someone that you are in either regular or irregular contact with, over a period of time, who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts.*

## **Agenda Item No 14**

### **Executive Board**

**28 November 2011**

**Report of the  
Assistant Chief Executive and Solicitor to  
the Council**

**Equality Act 2010 (Specific Duties)  
Regulations 2011**

## **1 Summary**

- 1.1 This report provides details of the requirements of the above Regulations and suggests an approach for discharging the duties in the Regulations.

### **Recommendation to the Council**

- a That the Board note the Regulations and the duties contained in them; and**
- b That the Assistant Chief Executive and Solicitor to the Council be given delegated powers to finalise the information to be published, as required by the Regulations.**

## **2 Consultation**

### **2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members**

- 2.1.1 The Portfolio Holder and Shadow Portfolio for Community Life have been sent a copy of this report. Any comments received from them will be reported to the board.

## **3 Introduction**

### **3.1 The Equality Act 2010**

- 3.1.1 The Equality Act replaces the previous anti-discrimination legislation with a single Act that simplifies the law, removing inconsistencies and making it easier to understand. It also strengthens the law to help tackle discrimination and inequality, and expands the duties placed on public bodies.
- 3.1.2 The new duty replaces the existing public sector equality duties (race disability and gender) and covers the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race (ethnic or national origin, colour, nationality) religion or belief (including lack of belief), sex, sexual orientation. The duty also applies to 'marriage and civil partnership' but

only in respect of the requirement to have due regard to the need to eliminate discrimination.

3.1.3 The aim of the general duty is to advance equality of opportunity between persons who share a relevant protected (by law) characteristic and persons who do not share it. For example, this includes making sure our services can be accessed and received equally by all our customers.

3.1.4 The general duty has three aims. Public sector bodies need to be able to evidence that they have given due regard to the impact on all people with 'protected characteristics' of their policies, how they deliver services, and in relation to their own employees, specifically in relation to the duties to:

- **Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Equality Act 2010**
- **Advance equality of opportunity between people from different groups**
- **Foster good relations between people from different groups**

## 3.2 The Specific Duties Regulations

3.2.1 The Regulations require public bodies to set one or more objectives to help achieve the general duty under the Act. These need to be set by 6 April 2012 and reviewed every 4 years. The Council also needs to publish information on their progress against these objectives to enable public scrutiny and accountability. The objectives will be the subject of a separate report to this Board next year.

3.2.2 The Regulations also require public bodies to publish information, by 31 January 2012 and then annually, to demonstrate their compliance with the general duty detailed in the three bullet points in section 3.1.4 above. The legislation and the guidance does not prescribe the information to be published and gives a wide discretion to each local authority. However, the information published must include

- Information relating to employees who share protected characteristics and
- Information relating to the service users who are affected by the policies and practises

3.2.3 As this Board does not have another scheduled meeting until after the 31 January deadline has passed it is recommended that the Assistant Chief Executive and Solicitor to the Council be given delegated powers to finalise the information that needs to be published by this date. This could be in consultation with the Chairman of the Board and Leader of the Opposition if required. A draft of the information is attached as the Appendix to this report.

...

3.2.4 As Human Resource matters are now dealt with by the Special Sub Group the information relating to our employees will be reported to that Group.

## **4 Report Implications**

### **4.1 Finance and Value for Money Implications**

4.1.1 The resources to fund ongoing work as described in this report are met from current Council budgets and partnership funding. Equality Impacts Assessments/Analysis can be used to inform budget setting processes.

### **4.2 Safer Communities Implications**

4.2.1 The Council is contributing to a number of community safety initiatives that meet equality objectives including supporting the provision of a locally based domestic abuse support worker, providing reporting centres for hate crime, promoting community cohesion between travellers and local residents, intergenerational projects, diversionary activities for young people and reducing reoffending.

### **4.3 Environment and Sustainability Implications**

4.3.1 By demonstrating that our services are provided in ways that meet the general duty within the Equality Act and the duties specified by the regulations we will be contributing towards improving the quality of life for all our customers and specifically for users defined by the protected characteristics.

### **4.4 Legal and Human Rights Implications**

4.4.1 The General and specific duties are legal requirements from 6 April 2012 and must be complied with by all local authorities. Failure to do so can result in legal and financial penalties being applied to the Council.

4.4.2 Local authorities are being challenged by Judicial Review of decisions they have made based on the Equality Act 2010, and more specifically on Section 149 of the Act the public sector equality duty (known as the general duties). The outcomes of some Judicial Reviews are starting to overturn decisions made by Local Authorities to cut or change services due to not following due process.

### **4.5 Human Resources Implications**

4.5.1 The proposed approach recommended within the report maximises our existing processes and does not generate undue demands on services.

### **4.6 Risk Management Implications**

4.6.1 The Equality Act sets out duties for public authorities which are aimed at ensuring services are provided in a way that discrimination is prevented and any potential adverse impact in terms of the protected characteristics are assessed and analysed. If the Council is not able to demonstrate that it has assessed the impact of its services and the needs of local communities it could face legal challenges under the identified protected characteristics. By

not meeting the duties the Council could also be making a negative impact on the quality of life for local communities. The carrying out of equality analysis will help minimise any risks of discrimination, adverse impacts and will help ensure appropriate services are provided to meet the needs of local communities.

#### 4.7 **Equalities Implications**

4.7.1 These are set out within the report.

#### 4.8 **Links to Council's Priorities**

4.8.1 There are equality related objectives within all the Council's priorities and specifically the following have significant aspects:

- Local Employment
- Crime and Disorder
- Housing
- Access to Services
- Consultation and Communication
- Health and Well Being

The Contact Officer for this report is Simon Weaver (719331).

### **Background Papers**

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

## Meeting our Equality Duty January 2012

### OUR VISION

“North Warwickshire, a place where people want to live, work, invest and visit. A Council that, despite tough times, maintains its front line services and works to improve the health and well-being and economic environment of its communities.”

“North Warwickshire Borough Council – on the side of the people in tough times.”

### Introduction

Set out below are the Council’s 10 priorities and information about some of the key actions we are taking and objectives we have set which contribute towards achieving our Equality Duty:

### Our approach

In developing our approach the Council’s priorities have taken into account and the priorities set by the North Warwickshire Community Partnership for the North Warwickshire Sustainable Community Strategy 2009 – 2026.

The Council uses Customer Insight information and community profiles to inform our service development. Internally within the Council, Equality Impact Assessments of changes have and will continue to be taken and reported to Members as appropriate.

The Council is reviewing the best way to adopt an approach around consultation that will ensure consistency of approach whilst not putting in a "one size fits all" recommendation. It is anticipated that this will be completed in time to hit the target of the end of March 2012.

Work with individual community representatives reflecting the needs associated with the protected characteristics will be a feature of our approach to consultation and communication.

### OUR 10 PRIORITIES

1. PUBLIC SERVICES AND COUNCIL TAX	Protecting public services for local people whilst maintaining a balanced budget and keeping Council Tax increases lower than inflation.
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The Council carries out Equality Impact Assessments on proposed changes in policies and practices to identify any potential impact and actions required to avoid or mitigate any unfair impact.

#### Objective

- Carrying out improvements works to our buildings to continue to meet accessibility standards.

**2. LOCAL EMPLOYMENT**      Bringing more jobs to North Warwickshire, whilst seeking to protect existing jobs and developing our workforce.

The borough show that there are low levels of skills and average wage levels are lower in North Warwickshire than national averages and compared to other parts of Warwickshire.

**Objectives**

- Implementing our Human Resources Strategy by carrying out reviews of our human resources policies including health and well being, secondment, retirement, dignity at work, grievance, job share, training and development and absence management.
- Raising aspirations, skill levels and attainment through recognised vocational qualifications, volunteering and targeted Leisure and Community Development activities. Promoting the Children's University and Kids College through Cook and Taste Programmes, working with partners over the summer holidays, including ReVOLve and the Youth Service, to accredit young people with ASDAN (Award Scheme Development and Accreditation Network Activity) awards.
- Working with the County Council to provide training and to administer funding provided by the developers at Birch Coppice Industrial Estate to maximise opportunities for employment of local people including providing support for training, skills development, interviewing and CV preparation.
- To continue to work with partners in the Coventry & Warwickshire Local Enterprise Partnership (LEP) and with Hinckley and Bosworth Borough Council and Nuneaton and Bedworth Borough Council to maximise opportunities to gather feedback to develop the economy of the Borough and to report on progress by October each year.

**3. ENVIRONMENT**      Protecting and improving our local environment.

The Council is aiming to protect and improve the environment within North Warwickshire by reducing the Council's carbon footprint, maintaining high levels of street cleanliness, promoting waste minimisation, and improving our grounds maintenance of open spaces. The services the Council provides to contribute to this priority will be subject to equality impact assessments as indicated in the introduction.

**4. RECYCLING**      Improving recycling.

The Council provides assisted collections if residents are unable to take bins out for collection, there is no-one within the family able to help and where there are no other arrangements for collection of refuse.

**Objective**

- Improving recycling across the Borough including targeting poorer performing areas.

5. CRIME AND DISORDER      Working with the Police, Parish Councils, Town Councils, the community and other partners to tackle Crime and Anti-Social Behaviour.

The Council is contributing to a number of community safety initiatives that meet equality objectives including supporting the provision of a locally based domestic abuse support worker, providing reporting centres for hate crime, promoting community cohesion between travellers and local residents, intergenerational projects, diversionary activities for young people and reducing reoffending.

**Objectives**

- Contributing towards the North Warwickshire Community Safety Partnership Plan 2011 – 2012 by:
- Improving our approach to tackling anti social behaviour so that the needs of victims are identified and responded to in an appropriate way. This will include assessing the risk of harm posed to individuals and their vulnerability.
- Supporting the provision of a locally based support worker for victims of domestic abuse.
- Improving community cohesion by working with travellers and settled communities to promote good relations.
- Contributing towards the Warwickshire Reducing Reoffending Strategy by working with offenders to help rehabilitate and resettle persistent offenders.

6. COUNTRYSIDE AND HERITAGE      Protecting and improving our countryside and heritage.

The Council has a responsibility to prepare a Core Strategy for future development and this involves consulting with the general public about options for development. The Council will consult with representatives of communities reflecting the protected characteristics wherever possible to do so.

**Objective**

- Consulting with the public and specific community groups to prepare a draft Core Strategy

7. HOUSING      Listening to and working with our tenants to maintain and improve our housing stock and providing affordable housing in the right places.

The Council will be fair and open with all of our customers, encourage mutual respect and personalise our services wherever we can.



### **Objectives**

- Improving the standard of our housing stock to meet new government guidelines.
- Identifying options for releasing land holdings to deliver affordable homes and bring back into use empty homes.
- Supporting private sector residents to improve their homes and energy efficiency.
- Reviewing our Community Support services.
- Implementing changes from a review of Home Improvement Agencies and Adaptations services.

8. ACCESS TO SERVICES      Providing easier access to Council services, particularly through the internet.

The rural nature of the area means that some people face a number of problems with accessing services for example jobs, education, GP surgeries, shops and Post Offices. Public transport, communication and poverty are also key issues identified within the borough.

### **Objectives**

- Contributing towards the work of the local Financial Inclusion Partnership including for 2011/12 the BOB bus, CAB and Warwickshire Welfare Rights Activity.
- The work of the Financial Inclusion Partnership continues and has seen the delivery of the front line officer toolkit training following a launch event of the website and booklet in June 2011.
- The B.O.B bus continues to attract more customers and is developing new relationships most notably with the CDA (Coventry & Warwickshire Cooperative Development agency) who are delivering work focused activities in the Birch Coppice area as funded by Section 106 monies.
- Supporting the CAB to respond to an increasing workload, with three new debt cases per week on average and an increasing backlog to see an advisor.
- Take Up work with Warwickshire Welfare Rights continues and results will be updated at the end of Quarter 3.
- Support the development and implementation of projects arising from the LEADER funding programme.
- Developing proposals for improving access to services through community hubs.

## 9. CONSULTATION AND COMMUNICATION

Improving communication of information and community consultation, including, where appropriate, providing the opportunity to be involved in decision making.

Individual services continue to undertake consultation to obtain feedback on service provision and assist with decision making, for example, consultation continues on community hubs and the Council will also be embarking on consultation following the ongoing review of proposals around future savings currently being undertaken with Members. Work with individual community representatives will be a part of the feature of our general approach to consultation and communication.

### **Objectives**

- To ensure that we assess the impact of our services on, and actively engage with, all sections of our communities and to report on ways of doing this by March 2012.
- Identify options for extending consultation with stakeholders on proposals for financial savings

## 10. HEALTH AND WELL-BEING

Helping to tackle health inequalities by working with the County Council and the NHS locally and by encouraging, where financially viable, leisure opportunities in local communities.

Life expectancy in North Warwickshire is lower than the Warwickshire average and rates of heart disease and levels of obesity are rising.

### **Objectives**

- Implementing phase 4 of the Green Space Strategy including reviewing the condition of our recreation grounds and public parks to ensure they meet community needs.
- Implementing our health and well being strategy including the development of Wellness Matters by targeted outreach in communities, promoting healthy lifestyles, healthy eating and activities.
- Implementing improvements to our play areas to ensure they are accessible and secure by design.
- Providing leisure activities for young people.
- Contributing towards the safeguarding of children by following statutory guidelines and our child protection policy.

## Employment Duties

The equal opportunity policy ensures that both in recruitment and employment people are not discriminated against on the basis of a protected characteristic. All areas of recruitment are covered from advertising a vacancy through to employment being offered. In employment there is equal treatment for promotion, training, discipline and all aspects of day to day employment.

Our workforce profile for full time equivalent permanent staff is as follows:

### Gender

Males 176 50.14%  
Females 175 49.85%

For temporary and casual workers the nature of the work attracts less males and is reflected in the workforce profile, which is as follows:

Males 12 34%  
Females 23 66%

### Age

16-25 10%  
26-35 17%  
36-50 42%  
51-59 22%  
60 + 9%

31% of our staff are aged 51 and above, with 9% aged over 60, a comparatively older workforce than the national average.

The equal pay audit reflects the following;

Grade/Pay	Males	Females	Disability	Ethnicity	Comments if >5% variance in Gender
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## Agenda Item No 15

### Executive Board

28 November 2011

#### Report of the Assistant Chief Executive & Solicitor to the Council and the Audit Manager

#### The Bribery Act 2010

### 1 Summary

1.1 This report summarises the key issues arising from the Bribery Act 2010.

#### **Recommendation to the Council**

- a That the report be noted; and**
- b That the attached Policy be adopted.**

### 2 Background

2.1 The Bribery Act 2010 became effective on 1 July 2011. The aims of the Act are to reduce the levels of corruption across the UK without being burdensome to business.

2.2 The Act generally defines bribery as giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so.

2.3 Genuine hospitality or similar business expenditure that is reasonable and proportionate is allowable and not covered by the Act. However, facilitation payments are considered bribes (payments to induce officials to perform routine functions they are otherwise obligated to perform).

2.4 There are four key offences under the Act:  
General offences:

- bribery of another person (section 1)
- accepting a bribe (section 2)

Commercial offences:

- bribing a foreign public official (section 6)
- failure of a commercial organisation to prevent bribery (section 7)

2.5 All of the offences (save for the section 7 offence) may be dealt with in either the Magistrates' Court or the Crown Court. An individual convicted of an offence in the Magistrates' Court may be liable to a prison sentence of up to 12 months or a fine of £5,000, or both. However, in the Crown Court the maximum sentence significantly increases to a sentence of imprisonment of up to 10 years or an unlimited fine, or both. In respect of any other person

(e.g. organisations) the maximum fine in the Magistrates' Court is £5,000 but in the Crown Court the fine is unlimited.

- 2.6 The section 7 offence of failure of a commercial organisation to prevent bribery is indictable only and must therefore be dealt with in the Crown Court where the maximum penalty is an unlimited fine.
- 2.7 Senior officers may also be convicted of an offence if they are deemed to have given their consent/connivance to giving/receiving a bribe or bribing a foreign official.

### **3 Implications for North Warwickshire Borough Council**

- 3.1 The Act supports the Council's principle of free and fair competition in contracting and procurement. However, section 7 of the Act introduces an offence by 'commercial organisations' if they fail to prevent bribery.
- 3.2 The Council is capable of falling within the definition of commercial organisation and therefore it could be liable if:
  - a very senior person in the organisations commits a bribery offence. This person's activities could be attributed to the Council.
  - a person associated with it, e.g. an employee or someone acting on behalf of the Council bribes another person (under section 1 or section 6) to gain a business advantage for the Council.
- 3.3 Section 7 of the Act does provide a defence for commercial organisations against prosecution if there are adequate procedures in place to prevent bribery. The Secretary of State has published Statutory Guidance about procedures that relevant commercial organisations can put into place to prevent persons associated with them from bribing.
- 3.4 Council officers and Members are clearly caught by the offences of bribery of another person and accepting a bribe contained in sections 1 and 2 of the Act respectively. This is because these offences are concerned with "performance of a relevant function or activity" which include any function of a public nature, any activity connected with a business, any activity performed in the course employment and any activity performed by or on behalf of a body of persons (whether corporate or unincorporated).
- 3.5 The extent to which there is a need for such procedures depends on the level of risk of bribery being committed on behalf of the Council. The following paragraphs consider the bribery risks for the Council overall and conclude that the highest risk is that of our staff accepting bribes in exchange for preferential treatment for service users or contract awarding etc.

### **4 Initial Bribery Risk Assessment for North Warwickshire Borough Council**

- 4.1 An initial assessment of the risks is outlined below to determine the extent to which procedures additional to those already in place may be required and make an early assessment of these.

- 4.2 The Council has many staff, contractors and service users. Some areas of business in which the Council works bring with them higher bribery risks than others (see below). However, the Council does not do a large amount of business outside the UK and not with high risk countries in terms of bribery.
- 4.3 The Council does work with others in sectors particularly susceptible to bribery – e.g. the building trade generally is traditionally a high risk sector. Additionally, the Council does undertake some transactions in relation to which officers are more at risk of being offered inducements:
- procurement and awarding of contracts
  - awarding of licences and permits
  - planning applications and building regulations
  - allocation of housing
  - assessment of entitlement to grants, benefits and other entitlements
  - partnership and commissioning of services
- 4.4 In summary, an initial risk assessment would suggest that there is limited bribery risk across the Council. The most likely offence is that of our staff being bribed. As such, the risk of the Council being prosecuted for failing to prevent our staff/agents bribing others on behalf of the organisation is low.

## 5 **Procedural Arrangements to Mitigate the Risk of Bribery**

- 5.1 The procedures in place to mitigate the risk of bribery should reflect the level of risk. The initial risk assessment suggests the main risk is that of our staff being bribed. This offence, if proven, would result in prosecution of the individual rather than the Council. The Council itself is unlikely to face prosecution for not preventing bribery and have a legal need to rely on a defence of 'adequate procedures'. However, the guidance to the Act relating to 'adequate procedures' is soundly based for all bribery risks and in many respects the Council already has such procedures in place. The guidance suggests six principles of good procedures:
- **Risk Assessment** - the initial risk assessment is set out above but further risk assessment will be completed as part of our ongoing annual risk management process to ensure that each assessment accurately reflects the bribery risks faced.
  - **Top Level Commitment** – those at the top of the organisation are in the best position to foster a culture of integrity in which any type of bribery is unacceptable. This commitment needs to be reflected and communicated in appropriate policies. The Council already has an Anti Fraud Policy, a Whistle Blowing Policy and a Staff Code of Conduct. Changes to the latter two policies have been reviewed and a number of changes suggested to the Special Sub Group. In addition, it is proposed that a new Policy be adopted and the draft Policy is attached to this report.
  - **Proportionate Procedures** – the Council should have procedures proportionate to the bribery risks it faces.

### **Preventing Bribery of Others: (low risk)**

- Financial Regulations are in place to control spending and provide for only authorised expenditure. They include provision that individuals and organisations who deal with the Council, internally and externally, will act with integrity and without thoughts or actions of fraud and corruption.
- Recruitment procedures include vetting of staff before they are offered positions with the Council.
- The Council publishes all transactions over £500 in value to promote transparency of its spending activities.

### **Preventing Bribery of Our Staff or Associates: (higher risk)**

- The Council has a Code of Conduct for both Members and staff that prohibits acceptance of financial inducements and refers to the rules regarding acceptance of Gifts and Hospitality.
- Financial Regulations make it clear that our culture will not tolerate fraud and corruption.
- Procurement Regulations are in place to ensure fair competition in awarding contracts. The regulations and standard documentation used for issuing tenders and awarding of contracts makes it clear that contracts will be terminated if there is evidence of an offer, agreement or giving of any inducement or reward in respect of that or any other contract.
- The Council has well defined decision making processes which aim to ensure that decisions are made by those free of any conflict of interest including a requirement for Members to declare interest during meetings.
- The Council's Counter Fraud Policy states that any individual and organisation (e.g. suppliers, contractors, service providers and partners) that it deals with will act with integrity and without thought or actions involving fraud and corruption. This will be expanded to refer specifically to the act of bribery.
- **Due Diligence** – in respect of the person(s) who will/do perform services for or on behalf of the Council. Recent work related to fraud and corruption confirmed a substantially pro-active attitude exhibited by the Council. Any issues identified during this type of work are addressed as a matter of high priority.
- **Communication** – the Council already has procedures in place to ensure fraud and corruption policies and procedures are communicated and understood by its staff. These will be reviewed to ensure offences under the Bribery Act are adequately covered. Additionally messages in newsletters are routinely posted to maintain an awareness of the policies and procedures. Targeted release of information to high risk staff regarding the provisions of the Bribery Act and a clear message that such activity will not be tolerated, is currently being considered. Contract documentation is clear that attempting to bribe Council officials will not be tolerated. We will be seeking written

assurance from our key suppliers of their commitment to the Bribery Act.

- **Monitoring and Review** – of the procedures in place to prevent bribery by persons associated with it and making improvements where necessary. Internal Audit review compliance with policies and procedures to ensure adherence.

## 6 Report Implications

### 6.1 Risk Management Implications

6.1.1 The main bribery risk affecting the council is that of Council Members or staff being bribed.

### 6.2 Links to Council's Priorities

6.2.1 Making best use of resources through achieving a balanced budget and developing our workforce.

6.2.2 Working with our partners to tackle crime, the fear of crime and anti-social behaviour.

The Contact Officer for this report is Barbara Haswell (719416).

### Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date



## Risk Management Form

**NORTH WARWICKSHIRE  
BOROUGH COUNCIL**

**Division Corporate**

**Cost Centre or Service**

Risk Ref	Risk: Title/Description	Consequence	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Gross Risk Rating	Responsible Officer	Existing Control Procedures	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Net Risk Rating
1	Council Members or staff being bribed	Decisions made based on incorrect data. Damaged reputation, legal repercussions unnecessary expenditure.	3	4	12	ACEO & Sol to Council	Embracing the Bribery Act; risk assessment performed; reviewing existing policies and including bribery references; staff awareness and training; internal audit reviews;	2	2	4
Risk Ref	Options for additional / replacement control procedure						Cost Resources	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Net Risk Rating

Completed By:

Date:



**NORTH WARWICKSHIRE BOROUGH COUNCIL**

## **Anti Bribery Policy**

# Draft

This document should be made available to all staff employed by NWBC Council. It sets out the Council's policy and advice in relation to bribery or suspected bribery for all staff or members of the public.

**This policy does not include fraud, theft and other criminal acts involving dishonesty or assault. These will be covered in the Council's Counter Fraud Policy and Security Policy.**

This document is supplemental and subordinate to the NWBC Council's Standing Orders and Financial Regulations and does not supersede the governance provided by them either in part or in whole.

Version 1

Issued Date: October 2011

Review Date: October 2013

# Anti-Bribery Policy

## 1. Introduction

NWBC is established under statute as a corporate body. The Council has a zero tolerance policy in relation to any forms of bribery as defined under Bribery Act 2010.

The Bribery Act 2010 clarifies the offence of bribery and creates offences for individuals that can be punished with unlimited fines and/or imprisonment for up to 10 years. It also introduces a corporate offence for organisations failing to prevent bribery for not having robust and effective preventative procedures in place, again subject to unlimited fines.

It creates specific criminal offences that cover offering, promising, soliciting, demanding, giving, receiving or the expectation of a bribe, advantage, any gift, loan, fee or reward for doing or not doing anything or showing favour or disfavour to any person or company in their official capacity. A summary of the offences can be found at [appendix A](#).

## 2. Aims

2.1 This policy relates to all forms of bribery and aims to provide direction and assistance to employees who may identify suspected bribery. The overall aim of this policy is to:

- improve the knowledge and understanding of everyone at NWBC, irrespective of their position, about the risk of bribery within the organisation and its unacceptability
- assist in promoting a climate of openness and a culture and environment where staff feel able to raise concerns sensibly and responsibly
- set out NWBC's responsibilities in terms of the deterrence, prevention, detection and investigation of bribery
- ensure the appropriate sanctions are considered following an investigation, which may include any or all of the following:
  - criminal prosecution
  - civil prosecution
  - internal/external disciplinary action.

2.2 This policy applies to all NWBC Service employees, regardless of position held, as well as Members, consultants, vendors, contractors, and/or any other parties who have a business relationship with the Council. It will be brought to the attention of all employees and form part of the induction process for new staff.

## 3. Policy

3.1 NWBC is committed to maintaining an honest, open and well intentioned atmosphere. It is therefore committed to the elimination of any bribery within the Council, and to the rigorous investigation of any such allegations/suspensions and taken appropriate action including the consideration of criminal prosecution.

**All NWBC employees are responsible in protecting the Council from bribery or corruption.**

NWBC explicitly prohibits:

the offering, the giving, the solicitation or the acceptance of any bribe, whether cash or other inducement

**to or from** any person or company, wherever they are situated and whether they are a public official or body or private person or company

**by**

any individual employee, agent or other person or body acting on the Councils' behalf

**in order to**

gain any commercial, contractual or regulatory advantage for the Council's in a way which is unethical

**or in order to**

gain any personal advantage, pecuniary or otherwise, for the individual or anyone connected with the individual

#### **4. Roles and Responsibilities**

This section states the roles and responsibilities of employees and other relevant parties in reporting concerns regarding bribery.

Through the normal working day, those providing NWBC services (employees, regardless of position held, as well as Members, consultants, vendors, contractors, and/or any other parties who have a business relationship with the Council) are in the best position to recognise any specific risks within their own areas of responsibility. All have a duty to ensure that those risks – however large or small – are identified and eliminated.

Where any person believes there is the opportunity for bribery, whether because of poor procedures or oversight, this should be reported to the Deputy Chief Executive or Internal Audit. Additionally it can be raised as a concern in accordance with the Council's Whistleblowing Policy

NWBC will take all necessary steps to prevent bribery in accordance with this policy.

#### **5. Instructions on the suspicion of Bribery**

5.1 Anyone having reasonable suspicions of bribery should raise them through the following reporting arrangements:

- a) If appropriate, staff should immediately advise the Deputy Chief Executive; or
- b) Internal audit; or
- c) Staff can also contact the Council's Whistleblower – details on the Council's Intranet site and Whistleblowing Policy.

5.2 All employees should be assured that there would be no recriminations against staff that report reasonably held suspicions. Victimising or deterring staff from reporting concerns is a serious disciplinary matter. Any contravention of this policy must be reported to the Deputy Chief Executive. Equally however, abuse of the process by raising malicious allegations could be regarded as a disciplinary matter.

#### **6. Policy Implementation**

To ensure this policy is fully implemented across NWBC (employees, regardless of position held, as well as Members, consultants, vendors, contractors, and/or any other parties who have a business

relationship with the Council) relevant key stakeholders and managers will be identified and required to take steps to ensure that all staff are aware of this policy and its implications.

## **7. Monitoring the effectiveness of the Policy**

NWBC's response to the Bribery Act 2010 and its anti-bribery activity will be monitored at least annually by internal audit.

## **8. Other related Policies**

Codes of Conduct (including Gifts and Hospitality and Declarations of Interest) for Employees and Members

Financial Regulations

Procurement Policies and Procedures (Tender and Contract)

Counter Fraud Policy

Whistleblowing Policy

Disciplinary Policy

## **9. Equality Statement**

The Council is committed to promoting positive measures that eliminate all forms of unlawful or unfair discrimination on the grounds of age, marital status, disability, race, nationality, gender, religion, sexual orientation, gender reassignment, ethnic or national origin, beliefs, domestic circumstances, social and employment status, political affiliation or trade union membership, HIV status or any other basis not justified by law or relevant to the requirements of the post.

By committing to a policy encouraging equality of opportunity and diversity, the Council values differences between members of the community and within its existing workforce, and actively seeks to benefit from their differing skills, knowledge, and experiences in order to provide an exemplary healthcare service. The Council is committed to promoting equality and diversity best practice both within the workforce and in any other area where it has influence.

The Council will therefore take every possible step to ensure that this procedure is applied fairly to all employees regardless of race, ethnic or national origin, colour or nationality; gender (including marital status); age; disability; sexual orientation; religion or belief; length of service, whether full or part-time or employed under a permanent or a fixed-term contract or any other irrelevant factor.

Where there are barriers to understanding e.g. an employee has difficulty in reading or writing or where English is not their first language additional support will be put in place wherever necessary to ensure that the process to be followed is understood and that the employee is not disadvantaged at any stage in the procedure. Further information on the support available can be sought from the Human Resource Department.

## **Agenda Item No 16**

### **Executive Board**

**28 November 2011**

#### **Report of the Chief Executive and the Deputy Chief Executive**

#### **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - September 2011**

### **1 Summary**

- 1.1 This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Executive Board for April to September 2011.

#### **Recommendation to Council**

**That Members consider the performance achieved and highlight any areas for further investigation.**

### **2 Consultation**

#### **2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members**

- 2.1.1 The Portfolio Holder and Shadow Portfolio Holder for Resources, Councillors Forwood and Lea have been sent a copy of this report and any comments received will be reported to the Board.

### **3 Background**

- 3.1 This report shows the second quarter position with the achievement of the Corporate Plan and Performance Indicator targets for 2011/12. This is the second report showing the progress achieved so far during 2011/12.

### **4 Progress achieved during 2010/11**

- 4.1 Attached at Appendices A and B are reports outlining the progress achieved for all the Corporate Plan targets and the performance with the national and local performance indicators during April to September 2011/12 for the Executive Board.

- 4.2 Members will recall the use of a traffic light indicator for the monitoring of the performance achieved.

Red – target not currently being achieved (shown as a red triangle).

Amber – target currently behind schedule and requires remedial action to be achieved (shown as an orange circle).

Green – target currently on schedule to be achieved (shown as a green star)

- 4.3 Members should note that the performance updates and reports have been prepared using a Performance Plus performance management system. The Council has obtained access to the system via an agreement with Warwickshire County Council. In terms of the Council's performance management framework the access to the system has been set up based upon our existing approach. The system calculates the traffic light indicator status for the performance indicators based upon the performance achieved compared to the target.
- 4.4 The performance plus system uses the red, amber and green status indicators and shows these using a red triangle, orange circle and green star as shown above at paragraph 4.2. The direction of travel indicators are calculated by comparing the level of performance achieved and the change in performance, if any, from the previous quarter. An upward arrow is an improving position and a downward arrow is a worsening position. A level arrow is indicating a consistent level of performance.

## 5 Performance Indicators

- 5.1 Members will be aware that national indicators are no longer in place and have been replaced by national data returns specified by the government. A number of previous national and best value indicators have been kept as local indicators as they are considered to be useful in terms of managing the performance of our service delivery corporately.
- 5.2 The current national and local performance indicators have been reviewed by each division and Management Team for monitoring for the 2011/12. The appendices show all the indicators to be reported to the board including both quarterly and annual indicators.

## 6 Overall Performance

- 6.1 The Corporate Plan performance report shows that 78% of the Corporate Plan targets and 50% of the performance indicator targets are currently on schedule to be achieved. The report shows that individual targets that have been classified as red, amber or green. Individual comments from the relevant division have been included where appropriate. The table below shows the following status in terms of the traffic light indicator status:

### Corporate Plan

Status	Number	Percentage
Green	14	78%
Amber	4	22%
Red	0	0%
Total	18	100%

## Performance Indicators

Status	Number	Percentage
Green	5	50%
Amber	3	30%
Red	2	20%
Total	10	100%

## 7 Summary

7.1 Members may wish to identify any areas that require further consideration where targets are not currently being achieved.

## 8 Report Implications

### 8.1 Safer Communities Implications

8.1.1 The community safety performance indicators are included in the report.

### 8.2 Legal and Human Rights Implications

8.2.1 The national indicators were specified by the Secretary of State for Communities and Local Government. They have now been ended and replaced by a single list of data returns to Central Government from April 2011.

### 8.3 Environment and Sustainability Implications

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community. There are a number of targets and indicators included which contribute towards the priorities of the sustainable community strategy including financial inclusion, core strategy, community safety and affordable housing,

### 8.4 Risk Management Implications

8.4.1 Effective performance monitoring will enable the Council to minimise associated risks with the failure to achieve targets and deliver services at the required performance level.

### 8.5 Equalities

8.5.1 There are a number of equality related targets and indicators including achieving the equality framework, domestic abuse, race equality, hate crime, and financial inclusion highlighted in the report.



## 8.6 Links to Council's Priorities

8.6.1 There are a number of targets and performance indicators contributing towards the priorities of access to services, consultation and communication, public services and Council Tax, environment, countryside and heritage, crime and disorder and local employment.

The Contact Officer for this report is Robert Beggs (719238).

### Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
National Indicators for Local Authorities and Local Authority Partnerships	Department for Communities and Local Government	Statutory Guidance	February 2008

NWCP Executive Board 11/12

	Action	Priority	Reporting Officer	Due Date	Update	Status	Direction
NWCP 001 11/12	To ensure that we assess the impact of our services on, and actively engage with, all sections of our communities and to report on ways of doing this by March 2012	Consultation and Communication	Trahern, Bob	31/03/2012	<p>Individual services continue to undertake consultation where appropriate to both get feedback on current service provision and assist with decision making proposals where appropriate.</p> <p>For example, extensive consultation continues in relation to the possible setting up of community hubs in the borough and the Council will also be embarking on consultation where necessary following the ongoing review of proposals around future savings currently being undertaken with Members.</p> <p>Equality impact assessments of changes has and will continue to be taken and reported to Members as appropriate and the two Assistant Chief Executives are currently in discussion about the best way to adopt an approach around consultation that will ensure consistency of approach whilst not putting in a "one size fits all" recommendation. It is anticipated that this will be completed in time to hit the target of the end of March 2012.</p>	★	➡
NWCP 002 11/12	To continue to work with partners in the Coventry & Warwickshire Local Enterprise Partnership and with Hinckley and Nuneaton to maximise opportunities to gather feedback to develop the economy of the Borough and to report on progress by October in each year.	Local Employment	Barratt, Dorothy	31/03/2012	George Gillespie, CEO, MIRA has now joined the Board of the CWLEP and provides a Northern Warwickshire rep. Discussions are ongoing with Nuneaton & Bedowrth BC, Hinckley & Bosworth BC, the Chamber and the Federation of Small Businessess to maximise this input.	★	➡







NWCP 003 11/12	To report annually in March on the work of the local Financial Inclusion Partnership including for 2011/12 the BOB bus, CAB and Warwickshire Welfare Rights Activity	Access to Services	Trahern, Bob	31/03/2012	<p>The work of the Financial Inclusion Partnership continues and has been helped by the re engagement of Sally Roberts to coordinate and work with our key partners. This has seen the delivery of the front line officer toolkit training to interested groups following the launch event of the website and booklet in June 2011. The B.O.B bus continues to attract more customers and is developing new relationships most notably with the CDA (Coventry &amp; Warwickshire Cooperative Development agency) who are delivering work focused activities in the Birch Coppice area as funded by Section 106 monies is adding a new dimension to the services offered.</p> <p>Funding for the B.O.B service has just been approved for a further 12 months ending 31 March 2013. The CAB continue to report an increasing workload with 3 new debt cases per week on average and an increasing backlog to see an advisor. Decisions around funding of the CAB service will be discussed in the next month to enable a report to be considered by Members in the next few months. Take Up work with Warwickshire Welfare Rights continues and results will be updated at the end of Quarter 3. The B.O.B project and wider financial inclusion work was again highlighted by reaching the finals of the Institute of Revenues Rating &amp; Valuation National Awards in September 2012 building on its success of winning the Best Partnership award at the Institute of Money Advisors Award in May 2012.</p>	★	➡
NWCP 004 11/12	To publish a draft Core Strategy for consultation with the public by October 2011 that reflects the Council's priorities	Countryside and Heritage	Barratt, Dorothy	31/03/2012	The Core Strategy was considered and agreed at Planning and Development Board 12th september 2011 and Executive Board 13th September 2011 for consultation beginning the 20th October till 12th January 2012	★	➡

NWCP 005 11/12	To continue to oppose (a) the HS2 proposal, in partnership with other affected Councils and community action groups, initially by responding to the statutory consultation in accordance with the published timetable; and (b) the principle of Opencast Mining	Countryside and Heritage	Barratt, Dorothy	31/03/2012	(a) Objections were sent to Government by the closing date. 51M, with support from this Council, also submitted objections. A decision by the Secretary of State is now awaited.	★	➡
NWCP 006 11/12	To work with the community including young people to contribute towards the achievement of the partnership plan 2011 – 2012 actions and targets for the 2010/11 strategic priorities of: - a) Tackling violent crime, including domestic abuse, alcohol related violence and young people as both offenders and victims of crime; b) Tackling anti-social behaviour, including youth and alcohol related anti social behaviour, small deliberate nuisance fires and the public perception of anti-social behaviour; c) Tackling serious acquisitive crime, including domestic burglary and theft from vehicles; d) Improving public perceptions and public confidence. Contribute towards the Warwickshire Reducing Re-offending Strategy	Crime and Disorder	Beggs, Robert	31/03/2012	The quarter 2 performance report shows increases in crimes for domestic burglary + 34% and violent crime + 6% compared to the last 12 months. The like for like monthly periods for April to September show higher increases. Vehicle crime overall is down 7% compared to the last 12 months. The current increases in domestic burglary are spread across the borough with very few concentrations. Analysis of the domestic burglaries from April 2010 to August 2011 identifies the wards of Curdworth, Arley & Whitacre, Water Orton and Atherstone North as being local hotspots. The levels are relatively low with 109 offences in these wards during this period. Operation Crunch is in place by Warwickshire Police to target hot spot locations and prolific offenders. Partnership responses to encourage Neighbourhood Watch, crime prevention measures and property protection initiatives are also in place. Further work will be concentrated within the wards identified above. Revised partnership plan prepared for 2011/12 with realistic to reduce targets set against the 2010/11 baselines.	●	➡

NWCP 007 11/12	To work with partner agencies to ensure the delivery of relevant actions arising through the safer neighbourhood processes and reporting progress to each Area Fora meeting	Crime and Disorder	Beggs, Robert	31/03/2012	The July round of Area Forums highlighted the following Safer Neighbourhood priorities: East - parking in Atherstone town centre, anti social behaviour Coleshill Road Chapel End and underage drinking in Atherstone town centre. West - anti social behaviour Kingsbury Recreation Field and Peartree Avenue car park and crime and disorder in Attleborough Lane Water Orton. Multi agency action plans in place for Kingsbury and Water Orton. North - Anti social behaviour Baddesley Recreation Field , Abbey Green Park Polesworth, parking in Dordon Long Street, Browns Lane, New Street. South - Anti social behaviour Memorial Park Coleshill and motor bike nuisance New Arley.	★	➡
NWCP 008 11/12	To ensure that the Council is prepared for emergencies and has suitable emergency and business continuity plans, as required by the Civil Contingencies Act, and to review both the emergency and business continuity plans annually in March	Public Services and Council Tax	Beggs, Robert	31/03/2012	A self assessment using the Civil Contingencies Act Indicators and Expectations has been reviewed in September with Coventry, Warwickshire & Solihull Resilience. Some areas of improvement have been identified which form part of a work progamme for 2011/12. Work is in hand to update our Corporate Continuity Plan and the Major Emergency Plan.	★	➡
NWCP 009 11/12	To achieve the savings required by the budget strategy and to update the strategy to reflect future developments by October 2011	Public Services and Council Tax	Garner, Sue	31/03/2012	An updated financial strategy was taken to Executive Board in September. Work on finding savings is ongoing.	★	➡
NWCP 010 11/12	To carry out reviews of systems in line with the Council's review plan and explore any opportunities for shared working that may arise	Public Services and Council Tax	Brewer, Chris	31/03/2012	Reviews progressing in line with timetable	★	➡
NWCP 038 11/12	To implement identified improvement works to the Council's main offices to ensure the ongoing provision of services to the local community while safeguarding the safety and security of all residents, staff and visitors who use The Council House building and seeking to make the buildings more environmentally friendly	Public Services and Council Tax	Dobbs, Richard	31/03/2012	Council has now agreed on a preferred refurbishment option. An internal project team has been established and meets regularly. The process of appointing a consultant to support the Council through the process has begun and should be completed by early 2012.	●	➡











NWCP 042 11/12	To continue to look for ways of narrowing the Council's capital funding gap and report annually in February	Public Services and Council Tax	Garner, Sue	31/03/2012	Sale of some surplus land has been agreed. Further work will be undertaken during the estimate process.	★	➡
NWCP 045 11/12	Carry out the review of the Council's constitutional structure, including the Members' Allowance Scheme.	Public Services and Council Tax	Maxey, Steve	31/03/2012	A large number of measures to change the Council's constitution were agreed by the Council in September. Further reports on other aspects will be brought to Members over the course of the rest of this year	★	➡
NWCP 046 11/12	Carry out review of Staff Travel	Public Services and Council Tax	Brewer, Chris	31/03/2012	Report on possible options prepared for member consideration	★	➡
NWCP 048 11/12	Carry out a review of area funding	Public Services and Council Tax	Powell, Simon	31/03/2012	The proposed review of Area Forum funding is on hold, whilst WCC reviews the context of its Area Committee funding programmes.	●	➡
NWCP 049 11/12	Carry out review of car parks	Public Services and Council Tax	Dobbs, Richard	31/03/2012	NWBC officers continue to liaise with WCC around the introduction of CPE (Civil Parking Enforcement) as the implementation of a CPE scheme in the Borough will have an impact on off-street as well as on-street car parking. Once CPE details are known, an informed review of NWBC car parking can begin	●	➡
NWCP 054 11/12	When reviewing targets for 2012-13, to explore opportunities for the introduction of cameras to cover anti-social behaviour hot-spots in our villages and with the Police to consider the introduction of Alcohol Free Zones, the formal term for these are Designated Public Places Orders	Crime and Disorder	Beggs, Robert	31/03/2012	Following a change in the Council's constitution in September a Safer Communities Sub Committee will be set up to consider the business case for seeking Designated Public Places Orders and options for extending the provision of mobile cctv cameras across the borough.	★	➡
NWCP 056 11/12	To review the means of funding and frequency of North Talk	Consultation and Communication	Maxey, Steve	31/03/2012	The review by officers has taken place and will be reported to Members before the end of the current financial year	★	➡

NWPI Executive Board 11/12

Ref	Description	Section	Priority	Year End Target	Performance	Traffic Light	Direction of Travel	Comments
NWLPI 158	To respond to all complaints and requests for service within three working days	Env Health (C, L & HP)	Public Services and Council Tax	99	98			only 2 cases outside of the target
NWLPI 152	To inspect 38 wholesale/warehouse premises based on a risk assessment using current knowledge, history and accident reports to identify those posing the greatest potential risk	Env Health (C, L & HP)	Public Services and Council Tax	38	5			Resources have been diverted to cope with the increased demand for food inspections. Work is still being carried out on topic based h & s inspections and it is hoped to inspect further warehouses also.
NWLPI 153	Number of domestic burglaries detected in the Local Authority area	Policy Support	Crime and Disorder	109	158			The quarter 2 performance report shows 158 domestic burglaries to date. This is an 88% increase compared to same period last year. Operation Crunch continues to target identified offenders and crime prevention measures continue to be promoted. There are however no significant hot spot clusters in North Warwickshire currently. An overview analysis from April 2010 to August 2011 shows Curdworth, Arley & Whitacre, Water Orton and Atherstone North wards as being local hot spots. The levels are still relatively low with 109 offences in this period within these wards. Further crime prevention measures will be carried out within these wards. The analysis shows forced entry rather than insecure properties being a means of access.

NWLPI 154	Number of violent crimes in the local authority area	Policy Support	Crime and Disorder	285	321	★	↓	<p>The quarter 2 performance report shows 11% increase compared to the same period last year. The level is approximately 6% higher compared to the last 12 months overall. An analysis of all violent offences from April to September 2011 shows 30% are domestic abuse incidents. There are no current licensed premises that are giving concerns with violent crime. A Warwickshire Violent Crime Reduction Strategy is being prepared to supplement local plans.</p>
NWLPI 155	The number of vehicle crimes in the local authority area	Policy Support	Crime and Disorder	322	307	★	↓	<p>The quarter 2 performance report shows that vehicle crime is down by 7% compared to the last 12 months overall. Thefts from vehicles are down by 20% during April to September compared to the same period last year. Thefts of vehicles are up by 16% over the same period. Analysis of the period from April 2010 to August 2011 shows the following wards to be hot spot areas: Curdworth, Atherstone North, Fillongley and Atherstone Central. Some local offenders were identified for the increases in Atherstone and cross border offenders are a concern within Curdworth and Fillongley. The crime prevention measures in place at key locations including hotels, pubs and motorway services are due to be assessed to ensure security measures, signage and banners are maintained. The PCSO at Corley Services has been funded again with a contribution from Welcome break which will ensure a crime prevention focus is maintained on the site.</p>



NWLPI 156	The number of hate crimes recorded in the local authority area	Policy Support	Crime and Disorder	10	1			One incident recorded. Hate Crime can be reported in person, via the web or through Contact Centre. This indicator could be expressed as the number of crimes rather than rate per 100,000. Reporting incidents of Hate Crime helps to improve cohesion within communities. WREP advised and follow up action being arranged.
NWLPI 130	The percentage of hate crimes that resulted in further action	Policy Support	Crime and Disorder	100	100			
@NW: N103 2	Percentage reduction in repeat victimisation for those domestic violence cases being managed by a MARAC	Policy Support	Crime and Disorder	8	12.5			This is a measure of the small number of high risk cases considered by the MARAC meeting at a county level. The number of domestic abuse related incidents is a significant element of our crime reports. The level of high risk repeats during April to August was 12.50%. During the first two quarters Domestic Abuse offences accounted for 30% of the violent crime.
@NW: N104 7	The percentage change in number of people killed or seriously injured during the calendar year compared to the previous year. Figures are based on a 3 year rolling average, up to the current year.	Policy Support	Crime and Disorder	26	25			25 occurrences during April to July. Levels are higher compared to same period last year with increases of 78% . Significant reductions achieved in 2010/11 and over previous years. Hot spot locations are monitored and enforcement of speed limits takes place.
NWLPI 132	Percentage of services that report equality profile of their service outcomes as part of their service delivery plans	Policy Support	Public Services and Council Tax	100	100			

**Agenda Item No 18**

**Executive Board**

**28 November 2011**

**Report of the  
Chief Executive**

**Exclusion of the Public and Press**

**Recommendation to the Board**

**That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

**Agenda Item No 19**

**Minutes of Special Sub-Group** – by reason of the references to staffing and financial matters

**Agenda Item No 20**

**Payment Management Replacement System** – by reason of the references to financial matters

The Contact Officer for this report is David Harris (719222).